

UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE FIRST SESSION OF THE
NINETY-FIRST CONGRESS
OF THE UNITED STATES OF AMERICA

1969

AND

REORGANIZATION PLAN, RECOMMENDATIONS OF THE
PRESIDENT, AND PROCLAMATIONS

VOLUME 83

IN ONE PART



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PUBLIC LAWS

Public Laws

ENACTED DURING THE
FIRST SESSION OF THE NINETY-FIRST CONGRESS
OF THE
UNITED STATES OF AMERICA

Begun and held at the City of Washington on Friday, January 3, 1969, and adjourned sine die on Tuesday, December 23, 1969. Until noon January 20, 1969, LYNDON B. JOHNSON, President; HUBERT H. HUMPHREY, Vice President; JOHN W. McCORMACK, Speaker of the House of Representatives; from January 20, 1969, RICHARD M. NIXON, President; SPIRO T. AGNEW, Vice President; JOHN W. McCORMACK, Speaker of the House of Representatives.

Public Law 91-1

AN ACT

To increase the per annum rate of compensation of the President of the United States.

January 17, 1969
[H. R. 10]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 of title 3, United States Code, is amended by striking out "\$100,000" and inserting in lieu thereof "\$200,000".

Presidential
salary, increase.
63 Stat. 4.

SEC. 2. The amendment made by this Act shall take effect at noon on January 20, 1969.

Effective date.

Approved January 17, 1969.

Public Law 91-2

February 9, 1969
[H. J. Res. 414]

Supplemental
appropriation,
1969.

JOINT RESOLUTION
Making a supplemental appropriation for the fiscal year ending June 30, 1969, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated out of any money in the Treasury not otherwise appropriated, to supply a supplemental appropriation for the fiscal year ending June 30, 1969, and for other purposes, namely:

DEPARTMENT OF LABOR

Bureau of Employment Security

For an additional amount for "Unemployment compensation for Federal employees and ex-servicemen", \$36,000,000.

Approved February 9, 1969.

Public Law 91-3

March 12, 1969
[S. 17]

Communications
Satellite Act of
1962, amendment.
76 Stat. 423.
Board of direc-
tors.

AN ACT
To amend the Communications Satellite Act of 1962 with respect to the election of the board of directors of the Communications Satellite Corporation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 303 of the Communications Satellite Act of 1962 (47 U.S.C. 733(a)) is amended to read as follows:

"SEC. 303. (a) The corporation shall have a board of directors consisting of fifteen individuals who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. Three members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, effective the date on which the other members are elected, and for terms of three years or until their successors have been appointed and qualified, and any member so appointed to fill a vacancy shall be appointed only for the unexpired term of the director whom he succeeds. The remaining twelve members of the board shall be elected annually by the stockholders. Six of such members shall be elected by those stockholders who are not communications common carriers, and the remaining six such members shall be elected by the stockholders who are communications common carriers, except that if the number of shares of the voting capital stock of the corporation issued and outstanding and owned either directly or indirectly by communications common carriers as of the record date for the annual meeting of stockholders is less than 45 per centum of the total number of shares of the voting capital stock of the corporation issued and outstanding, the number of members to be elected at such meeting by each group of stockholders shall be determined in accordance with the following table:

When the number of shares of the voting capital stock of the corporation issued and outstanding and owned either directly or indirectly by communications common carriers is less than—	But not less than—	The number of members which stockholders who are communications common carriers are entitled to elect shall be—	And the number of members which other stockholders are entitled to elect shall be—
45 per centum.....	40 per centum.....	5	7
40 per centum.....	35 per centum.....	4	8
35 per centum.....	25 per centum.....	3	9
25 per centum.....	15 per centum.....	2	10
15 per centum.....	8 per centum.....	1	11
8 per centum.....		0	12

No stockholder who is a communications common carrier and no trustee for such a stockholder shall vote, either directly or indirectly, through the votes of subsidiaries or affiliated companies, nominees, or any persons subject to his direction or control, for more than three candidates for membership on the board, except that in the event the number of shares of the voting capital stock of the corporation issued and outstanding and owned either directly or indirectly by communications common carriers as of the record date for the annual meeting is less than 8 per centum of the total number of shares of the voting capital stock of the corporation issued and outstanding, any stockholder who is a communications common carrier shall be entitled to vote at such meeting for candidates for membership on the board in the same manner as all other stockholders. Subject to the foregoing limitations, the articles of incorporation of the corporation shall provide for cumulative voting under section 27(d) of the District of Columbia Business Corporation Act (D.C. Code, sec. 29-911(d)). The articles of incorporation of the corporation may be amended, altered, changed, or repealed by a vote of not less than $66\frac{2}{3}$ per centum of the outstanding shares of the voting capital stock of the corporation owned by stockholders who are communications common carriers and by stockholders who are not communications common carriers, voting together, if such vote complies with all other requirements of this Act and of the articles of incorporation of the corporation with respect to the amendment, alteration, change, or repeal of such articles. The corporation may adopt such bylaws as shall, notwithstanding the provisions of section 36 of the District of Columbia Business Corporation Act (D.C. Code, sec. 29-916d), provide for the continued ability of the board to transact business under such circumstances of national emergency as the President of the United States, or the officer designated by him, may determine, after February 18, 1969, would not permit a prompt meeting of a majority of the board to transact business."

68 Stat. 191.

68 Stat. 193.

SEC. 2. As promptly as the board of directors of the Communications Satellite Corporation shall determine to be practical after the date of the amendment of this Act, a meeting of the stockholders of the corporation shall be called for the purpose of electing twelve members of the board in accordance with subsection (a) of section 303 of the Communications Satellite Act of 1962 as amended by the first section of this Act. The members of the board elected at such meeting shall serve until the next annual meeting of stockholders or until their successors have been elected and qualified.

SEC. 3. The status and authority of the members of the board of directors of the Communications Satellite Corporation who were elected to the board before the date of the enactment of this Act and who are serving as members of the board on such date shall not be in any way impaired or affected until their successors have been elected and qualified in accordance with section 2 of this Act.

Approved March 12, 1969.

Public Law 91-4

March 19, 1969
[H. R. 497]

Funds, apportionment.
Extension.
76 Stat. 30;
82 Stat. 1354.
42 USC 2611.

Effective date.

AN ACT

To amend section 301 of the Manpower Development and Training Act of 1962, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Manpower Development and Training Act of 1962, as amended, is further amended, by striking from the first sentence of section 301 of said Act the words, "the Virgin Islands, Guam, and American Samoa", and inserting in lieu thereof the words, "the Virgin Islands, Guam, American Samoa and the Trust Territory of the Pacific Islands."

Sec. 2. The amendment made by the first section shall be effective as of October 24, 1968.

Approved March 19, 1969.

Public Law 91-5

March 27, 1969
[S. 1058]

Reorganization plans.
Time extension.
80 Stat. 396.

AN ACT

To extend the period within which the President may transmit to the Congress plans for reorganization of agencies of the executive branch of the Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 905(b), title 5, United States Code, is amended by striking out "December 31, 1968", and inserting in lieu thereof "April 1, 1971".

Approved March 27, 1969.

Public Law 91-6

March 28, 1969
[H. R. 8438]

Final report.
Extension.
79 Stat. 676,
1284; 82 Stat.
304.
29 USC 42 note.

AN ACT

To extend the time for filing final reports under the Correctional Rehabilitation Study Act of 1965 until July 31, 1969.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the date by which the research and study initiated and the final report required by section 16(c) of the Vocational Rehabilitation Act (as in effect prior to July 7, 1968) must be completed shall be July 31, 1969.

Approved March 28, 1969.

Public Law 91-7

April 1, 1969
[H. J. Res. 584]

Supplemental appropriation,
1969.

JOINT RESOLUTION

Making a supplemental appropriation for the fiscal year ending June 30, 1969, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated out of any money in the Treasury not otherwise appropriated, to supply a supplemental appropriation for the fiscal year ending June 30, 1969, and for other purposes; namely:

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

For partial restoration of capital impairment of the Commodity Credit Corporation for costs heretofore incurred, \$1,000,000,000.

Approved April 1, 1969.

Public Law 91-8

AN ACT

To increase the public debt limit set forth in section 21 of the Second Liberty Bond Act.

April 7, 1969
[H. R. 8508]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) is amended by striking out "\$358,000,000,000" and inserting in lieu thereof "\$365,000,000,000".

Public debt
limit, increase.
81 Stat. 99.

SEC. 2. During the period beginning on the date of the enactment of this Act and ending on June 30, 1970, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act shall be temporarily increased by \$12,000,000,000. Section 3 of the Act of June 30, 1967 (Public Law 90-39; 81 Stat. 99), is repealed.

Temporary
increase.

Approved April 7, 1969.

Repeal.
31 USC 757b-2.

Public Law 91-9

JOINT RESOLUTION

To extend the time for the making of a final report by the Commission To Study Mortgage Interest Rates.

April 11, 1969
[S. J. Res. 37]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(g) of the Act of May 7, 1968 (Public Law 90-301) is amended by striking out "Said report of the Commission shall be made by April 1, 1969," and inserting in lieu thereof the following: "The Commission may make an interim report not later than April 1, 1969, and shall make a final report of its study and recommendations not later than July 1, 1969".

Mortgage inter-
est rates study.
Report, exten-
sion.
82 Stat. 115.
12 USC 1709-1
note.

Approved April 11, 1969.

Public Law 91-10

AN ACT

To provide mail service for Mamie Doud Eisenhower, widow of former President Dwight David Eisenhower.

April 25, 1969
[H. R. 10158]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all mail matter sent by post by Mamie Doud Eisenhower, the widow of former President Dwight David Eisenhower, under her written autograph signature or facsimile thereof, shall be conveyed within the United States, its possessions, and the Commonwealth of Puerto Rico free of postage during her natural life. All of her mail marked "Postage

Mamie Doud
Eisenhower.
Franking
privileges.

and Fees Paid" in the manner prescribed by the Postmaster General shall be accepted by the Post Office Department for transmission in the international mails. The postal revenues shall be reimbursed each fiscal year, out of the general funds of the Treasury, in an amount equivalent to the postage which otherwise would be payable on matter mailed pursuant to this Act.

Approved April 25, 1969.

Public Law 91-11

May 2, 1969
[H. R. 3832]

Marine Corps.
Assistant Com-
mandant.
Promotion to
general.
70A Stat. 292;
72 Stat. 519.

AN ACT

To amend title 10, United States Code, to provide the grade of general for the Assistant Commandant of the Marine Corps when the total active duty strength of the Marine Corps exceeds two hundred thousand.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5202 of title 10, United States Code, is amended by adding the following new subsections at the end thereof:

"(d) The Assistant Commandant of the Marine Corps, while so serving, has the grade of general, at the discretion of the President, by and with the advice and consent of the Senate: *Provided, however,* That the total active duty strength of the Marine Corps exceeds two hundred thousand, at the time of the appointment.

"(e) Notwithstanding the strength proviso in subsection (d), an officer once appointed to the grade of general under this section shall retain that grade so long as his appointment as the Assistant Commandant remains in effect."

Approved May 2, 1969.

Public Law 91-12

May 7, 1969
[S. 1081]

Winston
Churchill Me-
morial and
Library.
Medals.

AN ACT

To provide for the striking of medals in honor of the dedication of the Winston Churchill Memorial and Library.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a), in honor of the dedication of the Winston Churchill Memorial and Library at Westminster College in Fulton, Missouri, in May 1969, the President is authorized to present in the name of the people of the United States and in the name of the Congress to the widow of the late Winston Churchill a gold medal with suitable emblems, devices, and inscriptions to be determined by the Fulton Area Chamber of Commerce, Incorporated, subject to the approval of the Secretary of the Treasury. The Secretary shall cause such a medal to be struck and furnished to the President: *Provided,* That the Fulton Area Chamber of Commerce, Incorporated, agrees to pay, under terms considered necessary by the Secretary to protect the interests of the United States, all costs incurred in the striking of such medal.

(b) The die from which such gold medal is struck shall be marred and donated to the Winston Churchill Memorial and Library for display purposes.

SEC. 2. (a) The Secretary of the Treasury shall strike and furnish to the Fulton Area Chamber of Commerce, Incorporated, not more than one hundred thousand duplicate copies of such medal in silver and bronze (of which not more than five thousand copies shall be in silver). The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

Duplicate copies.

(b) The medals provided for in this section shall be made and delivered at such times as may be required by the Fulton Area Chamber of Commerce, Incorporated, in quantities of not less than two thousand, but no medals shall be made after December 31, 1969.

Striking, time limitation.

(c) The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for full payment of such costs.

Cost.

Approved May 7, 1969.

Public Law 91-13

AN ACT

To provide for the striking of medals in commemoration of the one hundredth anniversary of the founding of the American Fisheries Society.

May 15, 1969
[S. 1130]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the one hundredth anniversary of the founding of the American Fisheries Society on December 20, 1870, the Secretary of the Treasury is authorized and directed to strike and furnish to the American Fisheries Society not more than one hundred thousand medals with suitable emblems, devices, and inscriptions to be determined by the American Fisheries Society subject to the approval of the Secretary of the Treasury. The medals shall be made and delivered at such times as may be required by the American Fisheries Society in quantities of not less than two thousand, but no medals shall be made after December 31, 1970. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368),

American Fisheries Society.
100th anniversary medals.

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such costs.

Cost.

SEC. 3. The medals authorized to be issued pursuant to this Act shall be of such size or sizes and of such various metals as shall be determined by the Secretary of the Treasury in consultation with the American Fisheries Society.

Sizes, etc.

Approved May 15, 1969.

Public Law 91-14

May 23, 1969
[H. R. 33]

AN ACT

To provide for increased participation by the United States in the International Development Association, and for other purposes.

International Development Association.
U.S. participation.
74 Stat. 293.
22 USC 284 note.

Appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Development Association Act is amended by adding at the end thereof the following new section:

"SEC. 10. The United States Governor is hereby authorized (1) to vote in favor of the second replenishment resolutions providing for an increase in the resources of the Association, and (2) to agree on behalf of the United States to contribute to the Association the sum of \$480,000,000, as recommended by the Executive Directors in a report dated March 8, 1968, to the Board of Governors of the Association. There is hereby authorized to be appropriated, without fiscal year limitation, \$480,000,000 for payment by the Secretary of the Treasury of the United States share of the increase in the resources of the Association."

Approved May 23, 1969.

Public Law 91-15

May 23, 1969
[H. R. 8794]

AN ACT

To amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development, and for other purposes.

National Council on Marine Resources and Engineering Development.
Extension.
80 Stat. 205;
81 Stat. 780.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (f) of section 3 of the Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1102(f)) is amended by striking out "June 30, 1969" and inserting in lieu thereof "June 30, 1970".

SEC. 2. Section 9 of such Act (33 U.S.C. 1108) is amended by striking out "\$1,500,000" and inserting in lieu thereof "\$1,200,000".

Approved May 23, 1969.

Public Law 91-16

May 28, 1969
[H. R. 6269]

AN ACT

To provide for the striking of medals in commemoration of the three hundredth anniversary of the founding of South Carolina.

State of South Carolina.
300th anniversary medals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

§ 1. Medals authorized

In commemoration of the three hundredth anniversary of the founding of South Carolina, which will be celebrated in 1970, the Secretary of the Treasury (referred to in this Act as the Secretary) shall furnish medals (referred to in this Act as the medals) in accordance with this Act to the South Carolina Tricentennial Commission (referred to in this Act as the Commission). The medals authorized under this Act are national medals within the meaning of section 3351 of the Revised Statutes (31 U.S.C. 368).

§ 2. Design and materials

The medals shall bear such emblems, devices, and inscriptions, shall be of such size or sizes, and shall be made of such materials as the Commission may determine with the approval of the Secretary.

§ 3. Minimum quantities; expiration of authority

Except for such quantities, if any, of gold or silver medals as may be approved by the Secretary, the medals may not be made in quantities of less than two thousand nor in an aggregate quantity greater than one hundred thousand. They shall be made and delivered at such times as may be required by the Commission, but no medals may be made after December 31, 1970.

§ 4. Determination of cost; security for payment

The medals shall be furnished at a price or prices equal to the costs of manufacture as estimated by the Secretary, including labor, materials, dies, use of machinery, and overhead expenses. The medals may not be made unless security satisfactory to the Secretary is furnished to indemnify the United States for full payment of these costs.

Approved May 28, 1969.

Public Law 91-17

JOINT RESOLUTION

To authorize the President to issue a proclamation designating the first week in June of 1969 as "Helen Keller Memorial Week".

May 28, 1969
[S. J. Res. 99]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of Helen Keller's outstanding contribution to the education, welfare, and rehabilitation of blind and deaf persons throughout the world, the President is authorized and requested to issue a proclamation designating the first week in June of 1969 as "Helen Keller Memorial Week", calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Helen Keller
Memorial Week.
Proclamation.

Approved May 28, 1969.

Public Law 91-18

AN ACT

To provide for the striking of medals in commemoration of the one hundredth anniversary of the founding of the city of Wichita, Kansas.

May 28, 1969
[H. R. 8188]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

§ 1. Medals authorized

In commemoration of the one hundredth anniversary of the founding of the city of Wichita, Kansas, which will be celebrated in 1970, the Secretary of the Treasury (referred to in this Act as the Secretary) shall furnish medals (referred to in this Act as the medals) in accordance with this Act to Wichita Centennial, Incorporated (referred to in this Act as the Corporation). The medals authorized under this Act are national medals within the meaning of section 3351 of the Revised Statutes (31 U.S.C. 368).

Wichita, Kans.
100th anniver-
sary medals.

§ 2. Design and materials

The medals shall bear such emblems, devices, and inscriptions, shall be of such size or sizes, and shall be made of such materials as the Corporation may determine with the approval of the Secretary.

§ 3. Quantities; expiration of authority

The medals may not be made in quantities of less than two thousand, nor in an aggregate quantity greater than one hundred thousand. They shall be made and delivered at such times as may be required by the Corporation, but no medals may be made after December 31, 1970.

§ 4. Determination of cost; security for payment

The medals shall be furnished at a price or prices equal to the costs of manufacture as estimated by the Secretary, including labor, materials, dies, use of machinery, and overhead expenses. The medals may not be made unless security satisfactory to the Secretary is furnished to indemnify the United States for full payment of these costs.

Approved May 28, 1969.

Public Law 91-19

May 28, 1969
[S. J. Res. 104]

JOINT RESOLUTION

To authorize the President to reappoint as Chairman of the Joint Chiefs of Staff, for an additional term of one year, the officer serving in that position on April 1, 1969.

Chairman of
Joint Chiefs of
Staff.
Reappointment.
70A Stat. 7;
82 Stat. 180.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 142(a) of title 10, United States Code, the President may, by and with the advice and consent of the Senate, reappoint as Chairman of the Joint Chiefs of Staff, for an additional term of one year, the officer serving in that position on April 1, 1969.

Approved May 28, 1969.

Public Law 91-20

June 3, 1969
[H. R. 9328]

AN ACT

To amend title 37, United States Code, to provide special pay to naval officers, qualified in submarines, who have the current technical qualification for duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants, who agree to remain in active submarine service for one period of four years beyond any other obligated active service, and for other purposes.

Certain sub-
marine officers.
Special pay.
37 USC 301-311.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 5 of title 37, United States Code, is amended—

(1) by adding the following new section:

“§ 312. Special pay: nuclear-qualified submarine officers extending period of active service

“(a) Under regulations to be prescribed by the Secretary of the Navy, an officer of the naval service who—

- “(1) is entitled to basic pay;
- “(2) is currently designated ‘qualified in submarines’;
- “(3) has the current technical qualification for duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants;
- “(4) has not completed ten years of commissioned service; and
- “(5) executes a written agreement to remain in active submarine service for one period of four years in addition to any other period of obligated active service,

may, upon the acceptance by the Secretary or his designee of the written agreement, in addition to all other compensation to which he is entitled, be paid a sum of money not to exceed \$3,750 for each year of the active-service agreement. The Secretary of the Navy shall determine semiannually the necessity for continuance of the special pay and the rate of special pay per year for such active-service agreements accepted within each six-month period. Upon acceptance of the agreement by the Secretary or his designee, the total amount payable shall become fixed and shall be paid in four equal yearly installments, commencing at the expiration of the initial obligated service; except, the Secretary or his designee may accept the active-service agreement not more than one year in advance of the expiration of the initial obligated active service and the amount may then be paid in five yearly installments, not to exceed \$3,000 per year, commencing with the date of acceptance of the agreement.

“(b) No more than one agreement for each officer shall be accepted under this section.

Limitation.

“(c) Pursuant to regulations prescribed by the Secretary of the Navy and subject to such exceptions as may be prescribed in those regulations, refunds, on a pro rata basis, of sums paid pursuant to this section may be required if the officer having received the payment fails to complete the full period of four years of active submarine service which he agreed to serve.

“(d) Nothing in this section shall alter or modify the obligation of a regular officer to perform active service at the pleasure of the President. Completion of the additional period of four years’ active submarine service under this section shall in no way obligate the President to accept a resignation submitted by a regular officer at the end of the four-year period.

“(e) The provisions of this section shall be effective only in the case of officers who, on or before June 30, 1973, execute the required written agreement to remain in active service.”

Expiration.

(2) by inserting the following new item in the analysis:

“312. Special pay: nuclear-qualified submarine officers extending period of active service.”

Approved June 3, 1969.

Public Law 91-21

June 3, 1969
[S. 278]

AN ACT
To consent to the New Hampshire-Vermont Interstate School Compact.

New Hampshire-
Vermont Inter-
state School
Compact.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress consents to the New Hampshire-Vermont Interstate School Compact which is substantially as follows:

**“NEW HAMPSHIRE-VERMONT INTERSTATE SCHOOL
COMPACT”**

“ARTICLE I”

“GENERAL PROVISIONS”

“A. STATEMENT OF POLICY.—It is the purpose of this compact to increase the educational opportunities within the states of New Hampshire and Vermont by encouraging the formation of interstate school districts which will each be a natural social and economic region with adequate financial resources and a number of pupils sufficient to permit the efficient use of school facilities within the interstate district and to provide improved instruction. The state boards of education of New Hampshire and Vermont may formulate and adopt additional standards consistent with this purpose and with these standards; and the formation of any interstate school district and the adoption of its articles of agreement shall be subject to the approval of both state boards as hereinafter set forth.

“B. REQUIREMENT OF CONGRESSIONAL APPROVAL.—This compact shall not become effective until approved by the United States Congress.

“C. DEFINITIONS.—The terms used in this compact shall be construed as follows, unless a different meaning is clearly apparent from the language or context:

“a. ‘Interstate school district’ and ‘interstate district’ shall mean a school district composed of one or more school districts located in the state of New Hampshire associated under this compact with one or more school districts located in the state of Vermont, and may include either the elementary schools, the secondary schools, or both.

“b. ‘Member school district’ and ‘member district’ shall mean a school district located either in New Hampshire or Vermont which is included within the boundaries of a proposed or established interstate school district. In the case of districts located in Vermont, it shall include city school districts, town school districts, union school districts and incorporated school districts. Where appropriate, the term ‘member district clerk’ shall refer to the clerk of the city in which a Vermont school district is located, the clerk of the town in which a Vermont town school district is located, or the clerk of an incorporated school district.

“c. ‘Elementary school’ shall mean a school which includes all grades from kindergarten or grade one through not less than grade six nor more than grade eight.

“d. ‘Secondary school’ shall mean a school which includes all grades beginning no lower than grade seven and no higher than grade twelve.

“e. ‘Interstate board’ shall refer to the board serving an interstate school district.

“f. ‘New Hampshire board’ shall refer to the New Hampshire state board of education.

"g. 'Vermont board' shall refer to the Vermont state board of education.

"h. 'Commissioner' shall refer to commissioner of education.

"i. Where joint action by both state boards is required, each state board shall deliberate and vote by its own majority, but shall separately reach the same result or take the same action as the other state board.

"j. The terms 'professional staff personnel' and 'instructional staff personnel' shall include superintendents, assistant superintendents, administrative assistants, principals, guidance counsellors, special education personnel, school nurses, therapists, teachers, and other certified personnel.

"k. The term 'warrant' or 'warning' to mean the same for both states.

"ARTICLE II

"PROCEDURE FOR FORMATION OF AN INTERSTATE SCHOOL DISTRICT

"A. CREATION OF PLANNING COMMITTEE.—The New Hampshire and Vermont commissioners of education shall have the power, acting jointly to constitute and discharge one or more interstate school district planning committees. Each such planning committee shall consist of at least two voters from each of a group of two or more neighboring member districts. One of the representatives from each member district shall be a member of its school board, whose term on the planning committee shall be concurrent with his term as a school board member. The term of each member of a planning committee who is not also a school board member shall expire on June thirtieth of the third year following his appointment. The existence of any planning committee may be terminated either by vote of a majority of its members or by joint action of the commissioners. In forming and appointing members to an interstate school district planning board, the commissioners shall consider and take into account recommendations and nominations made by school boards of member districts. No member of a planning committee shall be disqualified because he is at the same time a member of another planning board or committee created under the provisions of this compact or under any other provisions of law. Any existing informal interstate school planning committee may be reconstituted as a formal planning committee in accordance with the provisions hereof, and its previous deliberations adopted and ratified by the reorganized formal planning committee. Vacancies on a planning committee shall be filled by the commissioners acting jointly.

"B. OPERATING PROCEDURES OF PLANNING COMMITTEE.—Each interstate school district planning committee shall meet in the first instance at the call of any member, and shall organize by the election of a chairman and clerk-treasurer, each of whom shall be a resident of a different state. Subsequent meetings may be called by either officer of the committee. The members of the committee shall serve without pay. The member districts shall appropriate money on an equal basis at each annual meeting to meet the expenses of the committee, including the cost of publication and distribution of reports and advertising. From time to time the commissioners may add additional members and additional member districts to the committee, and may remove members and member districts from the committee. An interstate school district planning committee shall act by majority vote of its membership present and voting.

"C. DUTIES OF INTERSTATE SCHOOL DISTRICT PLANNING COMMITTEE.—It shall be the duty of an interstate school district planning committee, in consultation with the commissioners and the state departments of education: to study the advisability of establishing an inter-

state school district in accordance with the standards set forth in paragraph A of Article I of this compact, its organization, operation and control, and the advisability of constructing, maintaining and operating a school or schools to serve the needs of such interstate district; to estimate the construction and operating costs thereof; to investigate the methods of financing such school or schools, and any other matters pertaining to the organization and operation of an interstate school district; and to submit a report or reports of its findings and recommendations to the several member districts.

"D. RECOMMENDATIONS AND PREPARATION OF ARTICLES OF AGREEMENT.—An interstate school district planning committee may recommend that an interstate school district composed of all the member districts represented by its membership, or any specified combination of such member districts, be established. If the planning committee does recommend the establishment of an interstate school district, it shall include in its report such recommendation, and shall also prepare and include in its report proposed articles of agreement for the proposed interstate school district, which shall be signed by at least a majority of the membership of the planning committee, which set forth the following:

- "a. The name of the interstate school district.
- "b. The member districts which shall be combined to form the proposed interstate school district.
- "c. The number, composition, method of selection and terms of office of the interstate school board, provided that:
 - "(1) The interstate school board shall consist of an odd number of members, not less than five nor more than fifteen;
 - "(2) The terms of office shall not exceed three years;
 - "(3) Each member district shall be entitled to elect at least one member of the interstate school board. Each member district shall either vote separately at the interstate school district meeting by the use of a distinctive ballot, or shall choose its member or members at any other election at which school officials may be chosen;
 - "(4) The method of election shall provide for the filing of candidacies in advance of election and for the use of a printed non-partisan ballot;
 - "(5) Subject to the foregoing, provision may be made for the election of one or more members at large.
- "d. The grades for which the interstate school district shall be responsible.
- "e. The specific properties of member districts to be acquired initially by the interstate school district and the general location of any proposed new schools to be initially established or constructed by the interstate school district.
- "f. The method of apportioning the operating expenses of the interstate school district among the several member districts, and the time and manner of payments of such shares.
- "g. The indebtedness of any member district which the interstate district is to assume.
- "h. The method of apportioning the capital expenses of the interstate school district among the several member districts, which need not be the same as the method of apportioning operating expenses, and the time and manner of payment of such shares. Capital expenses shall include the cost of acquiring land and buildings for school purposes; the construction, furnishing and equipping of school buildings and facilities; and the payment of the principal and interest of any indebtedness which is incurred to pay for the same.

“i. The manner in which state aid, available under the laws of either New Hampshire or Vermont, shall be allocated, unless otherwise expressly provided in this compact or by the laws making such aid available.

“j. The method by which the articles of agreement may be amended, which amendments may include the annexation of territory, or an increase or decrease in the number of grades for which the interstate district shall be responsible, provided that no amendment shall be effective until approved by both state boards in the same manner as required for approval of the original articles of agreement.

“k. The date of operating responsibility of the proposed interstate school district and a proposed program for the assumption of operating responsibility for education by the proposed interstate school district, and any school construction; which the interstate school district shall have the power to vary by vote as circumstances may require.

“l. Any other matters, not incompatible with law, which the interstate school district planning committee may consider appropriate to include in the articles of agreement, including, without limitation:

 “(1) The method of allocating the cost of transportation between the interstate district and member districts;

 “(2) The nomination of individual school directors to serve until the first annual meeting of the interstate school district.

“E. HEARINGS.—If the planning committee recommends the formation of an interstate school district, it shall hold at least one public hearing on its report and the proposed articles of agreement within the proposed interstate school district in New Hampshire, and at least one public hearing thereon within the proposed interstate school district in Vermont. The planning committee shall give such notice thereof as it may determine to be reasonable, provided that such notice shall include at least one publication in a newspaper of general circulation within the proposed interstate school district not less than fifteen days (not counting the date of publication and not counting the date of the hearing) before the date of the first hearing. Such hearings may be adjourned from time to time and from place to place. The planning committee may revise the proposed articles of agreement after the date of the hearings. It shall not be required to hold further hearings on the revised articles of agreement but may hold one or more further hearings after notice similar to that required for the first hearings if the planning committee in its sole discretion determines that the revisions are so substantial in nature as to require further presentation to the public before submission to the state boards of education.

“F. APPROVAL BY STATE BOARDS.—After the hearings a copy of the proposed articles of agreement, as revised, signed by a majority of the planning committee, shall be submitted by it to each state board. The state boards may (a) if they find that the articles of agreement are in accord with the standards set forth in this compact and in accordance with sound educational policy, approve the same as submitted, or (b) refer them back to the planning committee for further study. The planning committee may make additional revisions to the proposed articles of agreement to conform to the recommendations of the state boards. Further hearings on the proposed articles of agreement shall not be required unless ordered by the state boards in their discretion. In exercising such discretion, the state boards shall take into account whether or not the additional revisions are so substantial in nature as to require further presentation to the public. If both state boards find that the articles of agreement as further revised are in accord with

the standards set forth in this compact and in accordance with sound educational policy, they shall approve the same. After approval by both state boards, each state board shall cause the articles of agreement to be submitted to the school boards of the several member districts in each state for acceptance by the member districts as provided in the following paragraph. At the same time, each state board shall designate the form of warrant, date, time, place, and period of voting for the special meeting of the member district to be held in accordance with the following paragraph.

“G. ADOPTION BY MEMBER DISTRICTS.—Upon receipt of written notice from the state board in its state of the approval of the articles of agreement by both state boards, the school board of each member district shall cause the articles of agreement to be filed with the member district clerk. Within ten days after receipt of such notice, the school board shall issue its warrant for a special meeting of the member district, the warrant to be in the form, and the meeting to be held at the time and place and in the manner prescribed by the state board. No approval of the superior court shall be required for such special school district meeting in New Hampshire. Voting shall be with the use of the check list by a ballot substantially in the following form:

“‘Shall the school district accept the provisions of the New Hampshire-Vermont Interstate School Compact providing for the establishment of an interstate school district, together with the school districts of _____ and _____, etc., in accordance with the provisions of the proposed articles of agreement filed with the school district (town, city or incorporated school district) clerk?’

“‘Yes ()

No ()’

“If the articles of agreement included the nomination of individual school directors, those nominated from each member district shall be included in the ballot and voted upon, such election to become effective upon the formation of an interstate school district.

“If a majority of the voters present and voting in a member district vote in the affirmative, the clerk for such member district shall forthwith send to the state board in its state a certified copy of the warrant, certificate of posting, and minutes of the meeting of the district. If the state boards of both states find that a majority of the voters present and voting in each member district have voted in favor of the establishment of the interstate school district, they shall issue a joint certificate to that effect; and such certificate shall be conclusive evidence of the lawful organization and formation of the interstate school district as of its date of issuance.

“H. RESUBMISSION.—If the proposed articles of agreement are adopted by one or more of the member districts but rejected by one or more of the member districts, the state boards may resubmit them, in the same form as previously submitted, to the rejecting member districts, in which case the school boards thereof shall resubmit them to the voters in accordance with paragraph G of this article. An affirmative vote in accordance therewith shall have the same effect as though the articles of agreement had been adopted in the first instance. In the alternative, the state boards may either (a) discharge the planning committee, or (b) refer the articles of agreement back for further consideration to the same or a reconstituted planning committee, which shall have all of the powers and duties as the planning committee as originally constituted.

“ARTICLE III

“POWERS OF INTERSTATE SCHOOL DISTRICTS

“A. POWERS.—Each interstate school district shall be a body corporate and politic, with power to:

“a. To acquire, construct, extend, improve, staff, operate, manage and govern public schools within its boundaries;

“b. To sue and be sued, subject to the limitations of liability hereinafter set forth;

“c. To have a seal and alter the same at pleasure;

“d. To adopt, maintain and amend bylaws not inconsistent with this compact, and the laws of the two states;

“e. To acquire by purchase, condemnation, lease or otherwise, real and personal property for the use of its schools;

“f. To enter into contracts and incur debts;

“g. To borrow money for the purposes hereinafter set forth, and to issue its bonds or notes therefor;

“h. To make contracts with and accept grants and aid from the United States, the state of New Hampshire, the state of Vermont, any agency or municipality thereof, and private corporations and individuals for the construction, maintenance, reconstruction, operation and financing of its schools; and to do any and all things necessary in order to avail itself of such aid and cooperation;

“i. To employ such assistants, agents, servants, and independent contractors as it shall deem necessary or desirable for its purposes; and

“j. To take any other action which is necessary or appropriate in order to exercise any of the foregoing powers.

“ARTICLE IV

“DISTRICT MEETINGS

“A. GENERAL.—Votes of the district shall be taken at a duly warned meeting held at any place in the district, at which all of the eligible legal voters of the member districts shall be entitled to vote, except as otherwise provided with respect to the election of directors.

“B. ELIGIBILITY OF VOTERS.—Any resident who would be eligible to vote at a meeting of a member district being held at the same time, shall be eligible to vote at a meeting of the interstate district. The board of civil authority in each Vermont member district and the supervisors of the check list of each New Hampshire district shall respectively prepare a check list of eligible voters for each meeting of the interstate district in the same manner, and they shall have all the same powers and duties with respect to eligibility of voters in their districts as for a meeting of a member district.

“C. WARNING OF MEETINGS.—A meeting shall be warned by a warrant addressed to the residents of the interstate school district qualified to vote in district affairs, stating the time and place of the meeting and the subject matter of the business to be acted upon. The warrant shall be signed by the clerk and by a majority of the directors. Upon written application of ten or more voters in the district, presented to the directors or to one of them, at least twenty-five days before the day prescribed for an annual meeting, the directors shall insert in their warrant for such meeting any subject matter specified in such application.

"D. POSTING AND PUBLICATION OF WARRANT.—The directors shall cause an attested copy of the warrant to be posted at the place of meeting, and a like copy at a public place in each member district at least twenty days (not counting the date of posting and the date of meeting) before the date of the meeting. In addition, the directors shall cause the warrant to be advertised in a newspaper of general circulation on at least one occasion, such publication to occur at least ten days (not counting the date of publication and not counting the date of the meeting) before the date of the meeting. Although no further notice shall be required, the directors may give such further notice of the meeting as they in their discretion deem appropriate under the circumstances.

"E. RETURN OF WARRANT.—The warrant with a certificate thereon, verified by oath, stating the time and place when and where copies of the warrant were posted and published, shall be given to the clerk of the interstate school district at or before the time of the meeting, and shall be recorded by him in the records of the interstate school district.

"F. ORGANIZATION MEETING.—The commissioners, acting jointly, shall fix a time and place for a special meeting of the qualified voters within the interstate school district for the purpose of organization, and shall prepare and issue the warrant for the meeting after consultation with the interstate school district planning board and the members-elect, if any, of the interstate school board of directors. Such meeting shall be held within sixty days after the date of issuance of the certificate of formation, unless the time is further extended by the joint action of the state boards. At the organization meeting the commissioner of education of the state where the meeting is held, or his designate, shall preside in the first instance, and the following business shall be transacted:

"a. A temporary moderator and temporary clerk shall be elected from among the qualified voters who shall serve until a moderator and clerk respectively have been elected and qualified.

"b. A moderator, a clerk, a treasurer, and three auditors shall be elected to serve until the next annual meeting and thereafter until their successors are elected and qualified. Unless previously elected, a board of school directors shall be elected to serve until their successors are elected and qualified.

"c. The date for the annual meeting shall be established.

"d. Provision shall be made for the payment of any organizational or other expense incurred on behalf of the district before the organization meeting, including the cost of architects, surveyors, contractors, attorneys, and educational or other consultants or experts.

"e. Any other business, the subject matter of which has been included in the warrant, and which the voters would have had power to transact at an annual meeting.

"G. ANNUAL MEETINGS.—An annual meeting of the district shall be held between January fifteenth and June first of each year at such time as the interstate district may by vote determine. Once determined, the date of the annual meeting shall remain fixed until changed by vote of the interstate district at a subsequent annual or special meeting. At each annual meeting the following business shall be transacted:

"a. Necessary officers shall be elected.

"b. Money shall be appropriated for the support of the interstate district schools for the fiscal year beginning the following July first.

"c. Such other business as may properly come before the meeting.

"H. SPECIAL MEETINGS.—A special meeting of the district shall be held whenever, in the opinion of the directors, there is occasion therefor, or whenever written application shall have been made by five per cent or more of the voters (based on the check lists as prepared for

the last preceding meeting) setting forth the subject matter upon which such action is desired. A special meeting may appropriate money without compliance with RSA 33:8 or RSA 197:3 which would otherwise require the approval of the New Hampshire superior court.

“I. CERTIFICATION OF RECORDS.—The clerk of an interstate school district shall have the power to certify the record of the votes adopted at an interstate school district meeting to the respective commissioners and state boards and (where required) for filing with a secretary of state.

“J. METHOD OF VOTING AT SCHOOL DISTRICT MEETINGS.—Voting at meetings of interstate school districts shall take place as follows:

“a. **SCHOOL DIRECTORS.**—A separate ballot shall be prepared for each member district, listing the candidates for interstate school director to represent such member district; and any candidates for interstate school director at large; and the voters of each member district shall register on a separate ballot their choice for the office of school director or directors. In the alternative, the articles of agreement may provide for the election of school directors by one or more of the member districts at an election otherwise held for the choice of school or other municipal officers.

“b. **OTHER Votes.**—Except as otherwise provided in the articles of agreement or this compact, with respect to all other votes (1) the voters of the interstate school district shall vote as one body irrespective of the member districts in which they are resident, and (2) a simple majority of those present and voting at any duly warned meeting shall carry the vote. Voting for officers to be elected at any meeting, other than school directors, shall be by ballot or voice, as the interstate district may determine, either in its articles of agreement or by a vote of the meeting.

“ARTICLE V

“OFFICERS.

“A. OFFICERS: GENERAL.—The officers of an interstate school district shall be a board of school directors, a chairman of the board, a vice-chairman of the board, a secretary of the board, a moderator, a clerk, a treasurer and three auditors. Except as otherwise specifically provided, they shall be eligible to take office immediately following their election; they shall serve until the next annual meeting of the interstate district and until their successors are elected and qualified. Each shall take oath for the faithful performance of his duties before the moderator, or a notary public or a justice of the peace of the state in which the oath is administered. Their compensation shall be fixed by vote of the district. No person shall be eligible to any district office unless he is a voter in the district. A custodian, school teacher, principal, superintendent or other employee of an interstate district acting as such shall not be eligible to hold office as a school director.

“B. BOARD OF DIRECTORS.

“a. **HOW CHOSEN.**—Each member district shall be represented by at least one resident on the board of school directors of an interstate school district. A member district shall be entitled to such further representation on the interstate board of school directors as provided in the articles of agreement as amended from time to time. The articles of agreement as amended from time to time may provide for school directors at large, as above set forth. No person shall be disqualified to serve as a member of an interstate board because he is at the same time a member of the school board of a member district.

“b. **TERM.**—Interstate school directors shall be elected for terms in accordance with the articles of agreement.

“c. DUTIES OF BOARD OF DIRECTORS.—The board of school directors of an interstate school district shall have and exercise all of the powers of the district not reserved herein to the voters of the district.

“d. ORGANIZATION.—The clerk of the district shall warn a meeting of the board of school directors to be held within ten days following the date of the annual meeting, for the purpose of organizing the board, including the election of its officers.

“C. CHAIRMAN OF THE BOARD.—The chairman of the board of interstate school directors shall be elected by the interstate board from among its members at its first meeting following the annual meeting. The chairman shall preside at the meetings of the board and shall perform such other duties as the board may assign to him.

“D. VICE-CHAIRMAN OF THE BOARD OF DIRECTORS.—The vice-chairman of the interstate board shall be elected in the same manner as the chairman. He shall represent a member district in a state other than that represented by the chairman. He shall preside in the absence of the chairman and shall perform such other duties as may be assigned to him by the interstate board.

“E. SECRETARY OF THE BOARD.—The Secretary of the interstate board shall be elected in the same manner as the chairman. Instead of electing one of its members, the interstate board may appoint the interstate district clerk to serve as secretary of the board in addition to his other duties. The secretary of the interstate board (or the interstate district clerk, if so appointed) shall keep the minutes of its meetings, shall certify its records, and perform such other duties as may be assigned to him by the board.

“F. MODERATOR.—The moderator shall preside at the district meetings, regulate the business thereof, decide questions of order, and make a public declaration of every vote passed. He may prescribe rules of procedure; but such rules may be altered by the district. He may administer oaths to district officers in either state.

“G. CLERK.—The clerk shall keep a true record of all proceedings at each district meeting, shall certify its records, shall make an attested copy of any records of the district for any person upon request and tender of reasonable fees therefor, if so appointed, shall serve as secretary of the board of school directors, and shall perform such other duties as may be required by custom or law.

“H. TREASURER.—The treasurer shall have custody of all of the monies belonging to the district and shall pay out the same only upon the order of the interstate board. He shall keep a fair and accurate account of all sums received into and paid from the interstate district treasury, and at the close of each fiscal year he shall make a report to the interstate district, giving a particular account of all receipts and payments during the year. He shall furnish to the interstate directors, statements from his books and submit his books and vouchers to them and to the district auditors for examination whenever so requested. He shall make all returns called for by laws relating to school districts. Before entering on his duties, the treasurer shall give a bond with sufficient sureties and in such sum as the directors may require. The treasurer's term of office is from July 1 to the following June 30.

“I. AUDITORS.—At the organization meeting of the district, three auditors shall be chosen, one to serve for a term of one year, one to serve for a term of two years, and one to serve for a term of three years. After the expiration of each original term, the successor shall be chosen for a three year term. At least one auditor shall be a resident of New Hampshire, and one auditor shall be a resident of Vermont. An interstate district may vote to employ a certified public accountant to assist the auditors in the performance of their duties. The auditors shall carefully examine the accounts of the treasurer and the directors at the

close of each fiscal year, and at such other times whenever necessary, and report to the district whether the same are correctly cast and properly vouched.

“**J. SUPERINTENDENT.**—The superintendent of schools shall be selected by a majority vote of the board of school directors of the interstate district with the approval of both commissioners.

“**K. VACANCIES.**—Any vacancy among the elected officers of the district shall be filled by the interstate board until the next annual meeting of the district or other election, when a successor shall be elected to serve out the remainder of the unexpired term, if any. Until all vacancies on the interstate board are filled, the remaining members shall have full power to act.

“ARTICLE VI

“APPROPRIATION AND APPORTIONMENT OF FUNDS

“**A. BUDGET.**—Before each annual meeting, the interstate board shall prepare a report of expenditures for the preceding fiscal year, an estimate of expenditures for the current fiscal year, and a budget for the succeeding fiscal year.

“**B. APPROPRIATION.**—The interstate board of directors shall present the budget report of the annual meeting. The interstate district shall appropriate a sum of money for the support of its schools and for the discharge of its obligations for the ensuing fiscal year.

“**C. APPORTIONMENT OF APPROPRIATION.**—Subject to the provisions of article VII hereof, the interstate board shall first apply against such appropriation any income to which the interstate district is entitled, and shall then apportion the balance among the member districts in accordance with one of the following formulas as determined by the articles of agreement as amended from time to time:

“a. All of such balance to be apportioned on the basis of the ratio that the fair market value of the taxable property in each member district bears to that of the entire interstate district; or

“b. All of such balance to be apportioned on the basis that the average daily resident membership for the preceding fiscal year of each member district bears to that of the average daily resident membership of the entire interstate school district; or

“c. A formula based on any combination of the foregoing factors. The term ‘fair market value of taxable property’ shall mean the last locally assessed valuation of a member district in New Hampshire, as last equalized by the New Hampshire state tax commission.

“The term ‘fair market value of taxable property’ shall mean the equalized grand list of a Vermont member district, as determined by the Vermont department of taxes.

“Such assessed valuation and grand list may be further adjusted (by elimination of certain types of taxable property from one or the other or otherwise) in accordance with the articles of agreement, in order that the fair market value of taxable property in each state shall be comparable.

“‘Average daily resident membership’ of the interstate district in the first instance shall be the sum of the average daily resident membership of the member districts in the grades involved for the preceding fiscal year where no students were enrolled in the interstate district schools for such preceding fiscal year.

“**D. SHARE OF NEW HAMPSHIRE MEMBER DISTRICT.**—The interstate board shall certify the share of a New Hampshire member district of the total appropriation to the school board of each member district which shall add such sum to the amount appropriated by the member district itself for the ensuing year and raise such sum in the same man-

ner as though the appropriation had been voted at a school district meeting of the member district. The interstate district shall not set up its own capital reserve funds; but a New Hampshire member district may set up a capital reserve fund in accordance with RSA 35, to be turned over to the interstate district in payment of the New Hampshire member district's share of any anticipated obligations.

"E. SHARE OF VERMONT MEMBER DISTRICT.—The interstate board shall certify the share of a Vermont member district of the total appropriation to the school board of each member district which shall add sum to the amount appropriated by the member district itself for the ensuing year and raise such sum in the same manner as though the appropriation had been voted at a school district meeting of the member district.

"ARTICLE VII

"BORROWING

"A. INTERSTATE DISTRICT INDEBTEDNESS.—Indebtedness of an interstate district shall be a general obligation of the district and shall also be a joint and several general obligation of each member district, except that such obligations of the district and its member districts shall not be deemed indebtedness of any member district for the purposes of determining its borrowing capacity under New Hampshire or Vermont law. A member district which withdraws from an interstate district shall remain liable for indebtedness of the interstate district which is outstanding at the time of withdrawal and shall be responsible for paying its share of such indebtedness to the same extent as though it had not been withdrawn.

"B. TEMPORARY BORROWING.—The interstate board may authorize the borrowing of money by the interstate district (1) in anticipation of payments of operating and capital expenses by the member districts to the interstate districts and (2) in anticipation of the issue of bonds or notes of the interstate district which have been authorized for the purpose of financing capital projects. Such temporary borrowing shall be evidenced by interest bearing or discounted notes of the interstate district. The amount of notes issued in any fiscal year in anticipation of expense payments shall not exceed the amount of such payments received by the interstate district in the preceding fiscal year. Notes issued under this paragraph shall be payable within one year in the case of notes under clause (1) and three years in the case of notes under clause (2) from their respective dates, but the principal of and interest on notes issued for a shorter period may be renewed or paid from time to time by the issue of other notes, provided that the period from the date of an original note to the maturity of any note issued to renew or pay the same debt shall not exceed the maximum period permitted for the original loan.

"C. BORROWING FOR CAPITAL PROJECTS.—An interstate district may incur debt and issue its bonds or notes to finance capital projects. Such projects may consist of the acquisition or improvement of land and buildings for school purposes, the construction, reconstruction, alteration, or enlargement of school buildings and related school facilities, the acquisition of equipment of a lasting character and the payment of judgments. No interstate district may authorize indebtedness in excess of ten percent of the total fair market value of taxable property in its member districts as defined in article VI of this compact. The primary obligation of the interstate district to pay indebtedness of member districts shall not be considered indebtedness of the interstate district for the purpose of determining its borrowing capacity under this paragraph. Bonds or notes issued under this paragraph shall mature in equal or diminishing installments of principal payable at

least annually commencing no later than two years and ending not later than thirty years after their dates.

“D. AUTHORIZATION PROCEEDINGS.—An interstate district shall authorize the incurring of debts to finance capital projects by a majority vote of the district passed at an annual or special district meeting. Such vote shall be taken by secret ballot after full opportunity for debate, and any such vote shall be subject to reconsideration and further action by the district at the same meeting or at an adjourned session thereof.

“E. SALE OF BONDS AND NOTES.—Bonds and notes which have been authorized under this article may be issued from time to time and shall be sold at not less than par and accrued interest at public or private sale by the chairman of the school board and by the treasurer. Interstate district bonds and notes shall be signed by the said officers, except that either one of the two required signatures may be a facsimile. Subject to this compact and the authorizing vote, they shall be in such form, bear such rates of interest and mature at such times as the said officers may determine. Bonds shall, but notes need not, bear the seal of the interstate district, or a facsimile of such seal. Any bonds or notes of the interstate district which are properly executed by the said officers shall be valid and binding according to their terms notwithstanding that before the delivery thereof such officers may have ceased to be officers of the interstate district.

“F. PROCEEDS OF BONDS.—Any accrued interest received upon delivery of bonds or notes of an interstate district shall be applied to the payment of the first interest which becomes due thereon. The other proceeds of the sale of such bonds or notes, other than temporary notes, including any premiums, may be temporarily invested by the interstate district pending their expenditure; and such proceeds, including any income derived from the temporary investment of such proceeds, shall be used to pay the costs of issuing and marketing the bonds or notes and to meet the operating expenses or capital expenses in accordance with the purposes for which the bonds or notes were issued or, by proceedings taken in the manner required for the authorization of such debt, for other purposes for which such debt could be incurred. No purchaser of any bonds or notes of an interstate district shall be responsible in any way to see to the application of the proceeds thereof.

“G. STATE AID PROGRAMS.—As used in this paragraph the term ‘initial aid’ shall include New Hampshire and Vermont financial assistance with respect to a capital project, or the means of financing a capital project, which is available in connection with construction costs of a capital project or which is available at the time indebtedness is incurred to finance the project. Without limiting the generality of the foregoing definition, initial aid shall specifically include a New Hampshire state guarantee under RSA 195-B with respect to bonds or notes and Vermont construction aid under chapter 123 of 16 V.S.A. As used in this paragraph the term ‘long-term aid’ shall include New Hampshire and Vermont financial assistance which is payable periodically in relation to capital costs incurred by an interstate district. Without limiting the generality of the foregoing definition, long-term aid shall specifically include New Hampshire school building aid under RSA 198 and Vermont school building aid under chapter 123 of Title 16 V.S.A. For the purpose of applying for, receiving and expending initial aid and long-term aid an interstate district shall be deemed a native school district by each state, subject to the following provisions. When an interstate district has appropriated money for a capital project, the amount appropriated shall be divided into a New Hampshire share and a Vermont share in accordance with the capital expense apportionment formula in the articles of agreement as though the total amount appropriated for the project was a capital expense requir-

ing apportionment in the year the appropriation is made. New Hampshire initial aid shall be available with respect to the amount of the New Hampshire share as though it were authorized indebtedness of a New Hampshire cooperative school district. In the case of a state guarantee of interstate districts bonds or notes under RSA 195-B, the interstate district shall be eligible to apply for and receive an unconditional state guarantee with respect to an amount of its bonds or notes which does not exceed fifty per cent of the amount of the New Hampshire share as determined above. Vermont initial aid shall be available with respect to the amount of the Vermont share as though it were funds voted by a Vermont school district. Payments of Vermont initial aid shall be made to the interstate district, and the amount of any borrowing authorized to meet the appropriation for the capital project shall be reduced accordingly. New Hampshire and Vermont long-term aid shall be payable to the interstate district. The amounts of long-term aid in each year shall be based on the New Hampshire and Vermont shares of the amount of indebtedness of the interstate district which is payable in that year and which has been apportioned in accordance with the capital expense apportionment formula in the articles of agreement. The New Hampshire aid shall be payable at the rate of forty-five per cent, if there are three or less New Hampshire members in the interstate district, and otherwise it shall be payable as though the New Hampshire members were a New Hampshire cooperative school district. New Hampshire and Vermont long-term aid shall be deducted from the total capital expenses for the fiscal year in which the long-term aid is payable, and the balance of such expenses shall be apportioned among the member districts. Notwithstanding the foregoing provisions, New Hampshire and Vermont may at any time change their state school aid programs that are in existence when this compact takes effect and may establish new programs, and any legislation for these purposes may specify how such programs shall be applied with respect to interstate districts.

“H. TAX EXEMPTION.—Bonds and notes of an interstate school district shall be exempt from local property taxes in both states, and the interest or discount thereon and any profit derived from the disposition thereof shall be exempt from personal income taxes in both states.

“ARTICLE VIII

“TAKING OVER OF EXISTING PROPERTY

“A. POWER TO ACQUIRE PROPERTY OF MEMBER DISTRICT.—The articles of agreement, or an amendment thereof, may provide for the acquisition by an interstate district from a member district of all or a part of its existing plant and equipment.

“B. VALUATION.—The articles of agreement, or the amendment, shall provide for the determination of the value of the property to be acquired in one or more of the following ways:

“a. A valuation set forth in the articles of agreement or the amendment.

“b. By appraisal, in which case, one appraiser shall be appointed by each commissioner, and a third appraiser appointed by the first two appraisers.

“C. REIMBURSEMENT TO MEMBER DISTRICT.—The articles of agreement shall specify the method by which the member district shall be reimbursed by the interstate district for the property taken over, in one or more of the following ways:

“a. By one lump sum, appropriated, allocated, and raised by the interstate district in the same manner as an appropriation for operating expenses.

"b. In installments over a period of not more than twenty years, each of which is appropriated, allocated, and raised by the interstate district in the same manner as an appropriation for operating expenses.

"c. By an agreement to assume or reimburse the member district for all principal and interest on any outstanding indebtedness originally incurred by the member district to finance the acquisition and improvement of the property, each such installment to be appropriated, allocated, and raised by the interstate district in the same manner as an appropriation for operating expenses.

"The member district transferring the property shall have the same obligation to pay to the interstate district its share of the cost of such acquisition, but may offset its right to reimbursement.

"ARTICLE IX

"AMENDMENTS TO ARTICLES OF AGREEMENT

"A. Amendments to the articles of agreement may be adopted in the same manner provided for the adoption of the original articles of agreement, except that:

"a. Unless the amendment calls for the addition of a new member district, the functions of the planning committee shall be carried out by the interstate district board of directors.

"b. If the amendment proposes the addition of a new member district, the planning committee shall consist of all of the members of the interstate board and all of the members of the school board of the proposed new member district or districts. In such case the amendment shall be submitted to the voters at an interstate district meeting, at which an affirmative vote of two-thirds of those present and voting shall be required. The articles of agreement together with the proposed amendment shall be submitted to the voters of the proposed new member district at a meeting thereof, at which a simple majority of those present and voting shall be required.

"c. In all cases an amendment may be adopted on the part of an interstate district upon the affirmative vote of voters thereof at a meeting voting as one body. Except where the amendment proposes the admission of a new member district, a simple majority of those present and voting shall be required for adoption.

"d. No amendment to the articles of agreement may impair the rights of bond or note holders or the power of the interstate district to procure the means for their payment.

"ARTICLE X

"APPLICABILITY OF NEW HAMPSHIRE LAWS

"A. GENERAL SCHOOL LAWS.—With respect to the operation and maintenance of any school of the district located in New Hampshire, the provisions of New Hampshire law shall apply except as otherwise provided in this compact and except that the powers and duties of the school board shall be exercised and discharged by the interstate board and the powers and duties of the union superintendent shall be exercised and discharged by the interstate district superintendent.

"B. NEW HAMPSHIRE STATE AID.—A New Hampshire school district shall be entitled to receive an amount of state aid for operating expenditures as though its share of the interstate district's expenses were the expenses of the New Hampshire member district, and as though the New Hampshire member district pupils attending the interstate school were attending a New Hampshire cooperative school district's school.

The state aid shall be paid to the New Hampshire member school district to reduce the sums which would otherwise be required to be raised by taxation within the member district.

“C. CONTINUED EXISTENCE OF THE NEW HAMPSHIRE MEMBER SCHOOL DISTRICT.—A New Hampshire member school district shall continue in existence, and shall have all of the powers and be subject to all of the obligations imposed by law and not herein delegated to the interstate district. If the interstate district incorporates only a part of the schools in the member school district, then the school board of the member school district shall continue in existence and it shall have all of the powers and be subject to all of the obligations imposed by law on it and not herein delegated to the district. However, if all of the schools in the member school district are incorporated into the interstate school district, then the member or members of the interstate board representing the member district shall have all of the powers and be subject to all of the obligations imposed by law on the members of a school board for the member district and not herein delegated to the interstate district. The New Hampshire member school district shall remain liable on its existing indebtedness; and the interstate school district shall not become liable therefor, unless the indebtedness is specifically assumed in accordance with the articles of agreement. Any trust funds or capital reserve funds and any property not taken over by the interstate district shall be retained by the New Hampshire member district and held or disposed of according to law. If all of the schools in a member district are incorporated into an interstate district, then no annual meeting of the member district shall be required unless the members of the interstate board from the member district shall determine that there is occasion for such an annual meeting.

“D. SUIT AND SERVICE OF PROCESS IN NEW HAMPSHIRE.—The courts of New Hampshire shall have the same jurisdiction over the district as though a New Hampshire member district were a party instead of the interstate district. The service necessary to institute suit in New Hampshire shall be made on the district by leaving a copy of the writ or other proceedings in hand or at the last and usual place of abode of one of the directors who reside in New Hampshire, and by mailing a like copy to the clerk and to one other director by certified mail with return receipt requested.

“E. EMPLOYMENT.—Each employee of an interstate district assigned to a school located in New Hampshire shall be considered an employee of a New Hampshire school district for the purpose of the New Hampshire teachers' retirement system, the New Hampshire state employees' retirement system, the New Hampshire workmen's compensation law and any other law relating to the regulation of employment or the provision of benefits for employees of New Hampshire school districts except as follows:

“1. A teacher in a New Hampshire member district may elect to remain a member of the New Hampshire teachers' retirement system, even though assigned to teach in an interstate school in Vermont.

“2. Employees of interstate districts designated as professional or instructional staff members, as defined in article I hereof, may elect to participate in the teachers' retirement system of either the state of New Hampshire or the state of Vermont but in no case will they participate in both retirement systems simultaneously.

“3. It shall be the duty of the superintendent in an interstate district to: (a) advise teachers and other professional staff employees contracted for the district about the terms of the contract and the policies and procedure of the retirement systems; (b) see

that each teacher or professional staff employee selects the retirement system of his choice at the time his contract is signed; (c) provide the commissioners of education in New Hampshire and in Vermont with the names and other pertinent information regarding each staff member under his jurisdiction so that each may be enrolled in the retirement system of his preference.

“ARTICLE XI

“APPLICABILITY OF VERMONT LAWS

“A. GENERAL SCHOOL LAWS.—With respect to the operation and maintenance of any school of the district located in Vermont, the provisions of Vermont law shall apply except as otherwise provided in this compact and except that the powers and duties of the school board shall be exercised and discharged by the interstate board and the powers and duties of the union superintendent shall be exercised and discharged by the interstate district superintendent.

“B. VERMONT STATE AID.—A Vermont school district shall be entitled to receive such amount of state aid for operating expenditures as though its share of the interstate district's expenses were the expenses of the Vermont member district, and as though the Vermont member district pupils attending the interstate schools were attending a Vermont union school district's schools. Such state aid shall be paid to the Vermont member school district to reduce the sums which would otherwise be required to be raised by taxation within the member district.

“C. CONTINUED EXISTENCE OF VERMONT MEMBER SCHOOL DISTRICT.—A Vermont member school district shall continue in existence, and shall have all of the powers and be subject to all of the obligations imposed by law and not herein delegated to the interstate district. If the interstate district incorporates only a part of the schools in the member school district, then the school board of the member school district shall continue in existence and it shall have all of the powers and be subject to all of the obligations imposed by law on it and not herein delegated to the district. However, if all of the schools in the member school district are incorporated into the interstate school district, then the member or members of the interstate board representing the member district shall have all of the powers and be subject to all of the obligations imposed by law on the members of a school board for the member district and not herein delegated to the interstate district. The Vermont member school district shall remain liable on its existing indebtedness; and the interstate school district shall not become liable therefor. Any trust funds and any property not taken over shall be retained by the Vermont member school district and held or disposed of according to law.

“D. SUIT AND SERVICE OF PROCESS IN VERMONT.—The Courts of Vermont shall have the same jurisdiction over the districts as though a Vermont member district were a party instead of the interstate district. The service necessary to institute suit in Vermont shall be made on the district by leaving a copy of the writ or other proceedings in hand or at the last and usual place of abode of one of the directors who resides in Vermont, and by mailing a like copy to the clerk and to one other director by certified mail with return receipt requested.

“E. EMPLOYMENT.—Each employee of an interstate district assigned to a school located in Vermont shall be considered an employee of a Vermont school district for the purpose of the state teachers' retirement system of Vermont, the state employees' retirement system, the Vermont workmen's compensation law, and any other law relating

to the regulation of employment or the provision of benefits for employees of Vermont school districts except as follows:

"1. A teacher in a Vermont member district may elect to remain a member of the state teachers' retirement system of Vermont, even though assigned to teach in an interstate school in New Hampshire.

"2. Employees of interstate districts designated as professional or instructional staff members, as defined in article I hereof, may elect to participate in the teachers' retirement system of either the state of Vermont or the state of New Hampshire but in no case will they participate in both retirement systems simultaneously.

"3. It shall be the duty of the superintendent in an interstate district to: (a) advise teachers and other professional staff employees contracted for the district about the terms of the contract and the policies and procedures of the retirement system; (b) see that each teacher or professional staff employee selects the retirement system of his choice at the time his contract is signed; (c) provide the commissioners of education in New Hampshire and in Vermont with the names and other pertinent information regarding each staff member under his jurisdiction so that each may be enrolled in the retirement system of his preference.

"ARTICLE XII

"ADOPTION OF COMPACT BY DRESDEN SCHOOL DISTRICT

"The Dresden School District, otherwise known as the Hanover-Norwich Interstate School District, authorized by New Hampshire laws of 1961, chapter 116, and by the laws of Vermont, is hereby authorized to adopt the provisions of this compact and to become an interstate school district within the meaning hereof, upon the following conditions and subject to the following limitations:

"a. Articles of agreement shall be prepared and signed by a majority of the directors of the interstate school district.

"b. The articles of agreement shall be submitted to an annual or special meeting of the Dresden district for adoption.

"c. An affirmative vote of two-thirds of those present and voting shall be required for adoption.

"d. Nothing contained therein, or in this compact, as it affects the Dresden School District shall affect adversely the rights of the holders of any bonds or other evidences of indebtedness then outstanding, or the rights of the district to procure the means for payment thereof previously authorized.

"e. The corporate existence of the Dresden School District shall not be terminated by such adoption of articles of amendment, but shall be deemed to be so amended that it shall thereafter be governed by the terms of this compact.

"ARTICLE XIII

"MISCELLANEOUS PROVISIONS

"A. STUDIES.—Insofar as practicable, the studies required by the laws of both states shall be offered in an interstate school district.

"B. TEXTBOOKS.—Textbooks and scholar's supplies shall be provided at the expense of the interstate district for pupils attending its schools.

"C. TRANSPORTATION.—The allocation of the cost of transportation in an interstate school district, as between the interstate district and the member districts, shall be determined by the articles of agreement.

"D. LOCATION OF SCHOOLHOUSES.—In any case where a new school-

house or other school facility is to be constructed or acquired, the interstate board shall first determine whether it shall be located in New Hampshire or in Vermont. If it is to be located in New Hampshire, RSA 199, relating to schoolhouses, shall apply. If it is to be located in Vermont, the Vermont law relating to schoolhouses shall apply.

E. FISCAL YEAR.—The fiscal year of each interstate district shall begin on July first of each year and end on June thirtieth of the following year.

F. IMMUNITY FROM TORT LIABILITY.—Notwithstanding the fact that an interstate district may derive income from operating profit, fees, rentals, and other services, it shall be immune from suit and from liability for injury to persons or property and for other torts caused by it or its agents, servants, or independent contractors, except insofar as it may have undertaken such liability under RSA 281:7 relating to workmen's compensation, or RSA 412:3 relating to the procurement of liability insurance by a governmental agency and except insofar as it may have undertaken such liability under 21 V.S.A. Section 621 relating to workmen's compensation or 29 V.S.A. Section 1403 relating to the procurement of liability insurance by a governmental agency.

G. ADMINISTRATIVE AGREEMENT BETWEEN COMMISSIONERS OF EDUCATION.—The commissioners of education of New Hampshire and Vermont may enter into one or more administrative agreements prescribing the relationship between the interstate districts, member districts, and each of the two state departments of education, in which any conflicts between the two states in procedure, regulations, and administrative practices may be resolved.

H. AMENDMENT.—Neither state shall amend its legislation or any agreement authorized thereby without the consent of the other in such manner as to substantially adversely affect the rights of the other state or its people hereunder, or as to substantially impair the rights of the holders of any bonds or notes or other evidences of indebtedness then outstanding or the rights of an interstate school district to procure the means for payment thereof. Subject to the foregoing, any reference herein to other statutes of either state shall refer to such statute as it may be amended or revised from time to time.

I. SEPARABILITY.—If any of the provisions of this compact, or legislation enabling the same, shall be held invalid or unconstitutional in relation to any of the applications thereof, such invalidity or unconstitutionality shall not affect other applications thereof or other provisions thereof; and to this end the provisions of this compact are declared to be severable.

J. INCONSISTENCY OF LANGUAGE.—The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by the two states.

“ARTICLE XIV

“EFFECTIVE DATE

“This compact shall become effective when agreed to by the States of New Hampshire and Vermont and approved by the United States Congress.”

SEC. 2. The right is hereby reserved by the Congress or any of its standing committees to require the disclosure and the furnishing of such information and data by or concerning any school district created

under the New Hampshire-Vermont Interstate School Compact as is deemed appropriate by the Congress or such committee.

SEC. 3. The right to alter, amend, or repeal this Act is expressly reserved.

Approved June 3, 1969.

Public Law 91-22

June 6, 1969
[S. 408]

Disabled veterans.
Housing loans, increase.
73 Stat. 472;
78 Stat. 380.

72 Stat. 1168.

80 Stat. 26;
81 Stat. 190.

72 Stat. 1205.

AN ACT

To liberalize the eligibility requirements governing the grant of assistance in acquiring specially adapted housing for certain service-connected disabled veterans, to increase the amount of such grant, to raise the limit on the amount of direct housing loans made by the Veterans' Administration, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 801 of title 38, United States Code, is amended by substituting a comma and the word "or" for the semicolon at the end of clause numbered (2) and adding "(3) due to the loss or loss of use of one lower extremity together with residuals of organic disease or injury which so affect the functions of balance or propulsion as to preclude locomotion without resort to a wheelchair."

SEC. 2. Section 802 of title 38, United States Code, is amended by striking out "\$10,000" and inserting in lieu thereof "\$12,500".

SEC. 3. Section 1811 (d) of title 38, United States Code, is amended by striking out "\$17,500" each place where it appears therein and inserting in lieu thereof in each such place "\$21,000".

SEC. 4. Section 1803(d)(3) of title 38, United States Code, be amended to read as follows:

"(3) Any real estate loan (other than for repairs, alterations, or improvements) shall be secured by a first lien on the realty. In determining whether a loan for the purchase or construction of a home is so secured, the Administrator may disregard a superior lien created by a duly recorded covenant running with the realty in favor of a private entity to secure an obligation to such entity for the homeowner's share of the costs of the management, operation, or maintenance of property, services or programs within and for the benefit of the development or community in which the veteran's realty is located, if he determines that the interests of the veteran borrower and of the Government will not be prejudiced by the operation of such covenant. In respect to any such superior lien to be created after the effective date of this amendment, the Administrator's determination must have been made prior to the recordation of the covenant. Any non-real-estate loan (other than for working or other capital, merchandise, goodwill, and other intangible assets) shall be secured by personality to the extent legal and practicable."

Approved June 6, 1969.

Public Law 91-23

JOINT RESOLUTION

To authorize the President to designate the period beginning June 8, 1969, and ending June 14, 1969, as "Professional Photography Week in America".

June 7, 1969
[S. J. Res. 77]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as a tribute to the importance of professional photography in American life and in recognition of Photo Expo, the largest photographic exhibition ever held in the United States, the President is authorized and requested to issue a proclamation designating the period beginning June 8, 1969, and ending June 14, 1969, as "Professional Photography Week in America", and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

Professional
Photography
Week in
America.
Proclamation.

Approved June 7, 1969.

Public Law 91-24

AN ACT

To amend title 38 of the United States Code in order to make certain technical corrections therein, and for other purposes.

June 11, 1969
[H. R. 684]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 1 of title 38, United States Code, is amended as follows:

- (a) by deleting in section 101(23)(A) "section 301 of title 37" and inserting in lieu thereof "section 206 of title 37";
- (b) by deleting in section 101(25)(D) "the Treasury" and inserting in lieu thereof "Transportation"; and
- (c) by deleting in section 104(a) "twenty-one" and inserting in lieu thereof "twenty-three".

Veterans.

72 Stat. 1108.

SEC. 2. Chapter 3 of title 38, United States Code, is amended as follows:

- (a) by deleting in subchapter III section 232 in its entirety;
- (b) by deleting in the table of sections at the beginning of such chapter the following:

"232. Employment of translators.";

and

- (c) by inserting in section 213 immediately after the word "persons" the following: "(including contracts for services of translators without regard to any other law)".

SEC. 3. Section 351 of title 38, United States Code, is amended by deleting "hereafter" each place it appears therein and inserting in lieu thereof "on or after December 1, 1962".

SEC. 4. Chapter 13 of title 38, United States Code, is amended as follows:

- (a) Section 401(1) is amended by deleting "sections 232(a), 232(e), or 308 of title 37" and inserting in lieu thereof "sections 201, 202, 203, 204, 205, or 207 of title 37"; and

- (b) Section 411(d)(3) is amended by deleting "section 228c-1(i)" and inserting in lieu thereof "section 228c-1(h)".

77 Stat. 95.

SEC. 5. Section 560(a) of title 38, United States Code, is amended by deleting "the Treasury" and inserting in lieu thereof "Transportation".

SEC. 6. Chapter 17 of title 38, United States Code, is amended as follows:

(a) by deleting in the last sentence of section 625 the word "commissioner," and inserting in lieu thereof the word "magistrate";

(b) by deleting the last sentence of section 631; and

(c) by deleting in the first sentence of section 632(b) the words "the effective date of this amendment" and inserting in lieu thereof "September 30, 1966".

SEC. 7. Chapter 23 of title 38, United States Code, is amended as follows:

(a) by deleting in section 904 the words "whichever last occurs,"; and

(b) by deleting in section 904 the words "or the date of enactment of this sentence".

SEC. 8. Section 1503(a) of title 38, United States Code, is amended by deleting immediately after "until" the following: "(1) August 20, 1963, if such person was discharged or released before August 20, 1954, or (2)".

SEC. 9. Chapter 35 of title 38, United States Code, is amended as follows:

(a) by deleting in section 1701(a)(2) "twenty-one" and inserting in lieu thereof "twenty-three";

(b) by deleting in section 1711(b)(1) "section 1701(a)(10)" and inserting in lieu thereof "section 1701(a)(8)"; and

(c) by amending section 1765(c) to read as follows:

"(c) In the case of any individual who is an eligible person solely by virtue of subsection (a) of this section, and who is above the age of seventeen years and below the age of twenty-three years on September 30, 1966, the period referred to in section 1712 of this title shall not end until the expiration of the five-year period which begins on September 30, 1966."

SEC. 10. Section 3203(d)(2) of title 38, United States Code, is amended by deleting in the second sentence "\$30 per month which would be payable to the veteran while being furnished such care if pension were payable to him under section 521(c) of this title" and inserting in lieu thereof "the amount payable to the veteran while being furnished such care which would be payable to him if pension were payable under section 521(c) of this title".

SEC. 11. Section 3301 of title 38, United States Code, is amended by deleting in paragraph (1) thereof the period and the word "And" immediately following the word "claimant" the second place it appears therein and inserting in lieu thereof "and".

SEC. 12. Chapter 59 of title 38, United States Code, is amended as follows:

(a) by deleting the first word in section 3401 and inserting in lieu thereof "Except as provided by section 500 of title 5, no"; and

(b) by deleting in section 3402(c) "section 281 or 283 of title 18, or a violation of section 99 of title 5" and inserting in lieu thereof the following: "sections 203, 205, 206, or 207 of title 18".

SEC. 13. Chapter 61 of title 38, United States Code, is amended as follows:

(a) by deleting in section 3503(d) at each place it appears the words "the date of enactment of this subsection" and inserting in lieu thereof "September 1, 1959"; and

(b) by deleting in section 3504(c) the words "the date of enactment of this subsection" and inserting in lieu thereof "September 1, 1959".

72 Stat. 1144.

80 Stat. 860.

77 Stat. 4.

79 Stat. 577.

72 Stat. 1193.

78 Stat. 297;
82 Stat. 1331,
1332.
80 Stat. 861.

76 Stat. 245.

72 Stat. 1236;
76 Stat. 557.

72 Stat. 1238.

73 Stat. 452.

Repeals.

SEC. 14. Except as to any indebtedness which may be due the Government as the result of any benefits granted thereunder, the following provisions of law are repealed effective the date of enactment of this Act:

(a) Subsection (a) of section 12 of the Act entitled "An Act to consolidate into one Act all of the laws administered by the Veterans' Administration, and for other purposes", approved September 2, 1958 (72 Stat. 1264).

(b) Section 2 of the Act entitled "An Act to amend section 1701 of title 38, United States Code, to provide the same educational benefits for children of Spanish-American War veterans who died of a service-connected disability as are provided for children of veterans of World War I, World War II, and the Korean conflict", approved September 8, 1959 (73 Stat. 471).

(c) Section 5 of the Act entitled "An Act to provide education and training for the children of veterans dying of a disability incurred after January 31, 1955, and before the end of compulsory military service and directly caused by military, naval, or air service, and for other purposes", approved September 14, 1960 (74 Stat. 1024).

(d) Section 2 of the Act entitled "An Act to provide outpatient medical and dental treatment for veterans of the Indian wars on the same basis as such treatment is furnished to veterans of the Spanish-American War, and to extend the time within which certain children eligible for benefits under the War Orphans Educational Assistance Act of 1956 may complete their education", approved October 4, 1961 (75 Stat. 806).

SEC. 15. Section 1789 of title 38, United States Code, is amended by striking out "additional" and inserting "educational".

SEC. 16. Section 101(3) of title 38, United States Code, is amended by deleting "enactment of the 1962 amendment to this paragraph" and inserting in lieu thereof "September 19, 1962".

Approved June 11, 1969.

Public Law 91-25

AN ACT

To continue until the close of June 30, 1971, the existing suspension of duties for metal scrap.

June 13, 1969
[H.R. 10016]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) item 911.12 (relating to articles other than copper waste and scrap and articles of copper) of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "6/30/69" and inserting in lieu thereof "6/30/71".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, after June 30, 1969.

Metal scrap.
Duty sus-
pension, ex-
tension.
81 Stat. 111.

Approved June 13, 1969.

38 USC notes
prec. 101.

38 USC 1712
note.

38 USC 1701
note.

38 USC 1712
note.

80 Stat. 23.

72 Stat. 1106;
76 Stat. 558.

Public Law 91-26

June 13, 1969
[H. R. 10015]

AN ACT

To extend through December 31, 1970, the suspension of duty on electrodes for use in producing aluminum.

Certain elec-
trodes.
Duty suspension,
extension.
82 Stat. 1004.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the matter appearing in the effective period column for item 909.25 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "7/15/69" and inserting in lieu thereof "12/31/70".

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after July 15, 1969.

Approved June 13, 1969.

Public Law 91-27

June 13, 1969
[S. J. Res. 13]

JOINT RESOLUTION

To provide for the reappointment of Doctor John Nicholas Brown as Citizen Regent of the Board of Regents of the Smithsonian Institution.

Smithsonian
Institution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, which will occur by the expiration of the term of Doctor John Nicholas Brown of Providence, Rhode Island, on April 25, 1969, be filled by the reappointment of the present incumbent for the statutory term of six years.

Approved June 13, 1969.

Public Law 91-28

June 13, 1969
[H. R. 2718]

AN ACT

To extend for an additional temporary period the existing suspension of duties on certain classifications of yarn of silk.

Certain silk
yarn.
Duty suspension,
extension.
79 Stat. 901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the matter appearing in the effective period column of items 905.30 and 905.31 of the Tariff Schedules of the United States (19 U.S.C., sec. 1202, items 905.30 and 905.31) is amended by striking out "11/7/68" and inserting in lieu thereof "11/7/71".

SEC. 2. (a) The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of the enactment of this Act.

(b) Upon request therefor filed with the customs officer concerned on or before the one hundred and twentieth day after the date of the enactment of this Act, the entry or withdrawal of any article—

(1) which was made after November 7, 1968, and on or before the date of the enactment of this Act, and

(2) with respect to which the amount of duty would be smaller if the amendment made by the first section of this Act applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the day after the date of the enactment of this Act.

Approved June 13, 1969.

46 Stat. 734.
19 USC 1514.

Public Law 91-29

AN ACT

To provide for the striking of medals in commemoration of the one hundred and fiftieth anniversary of the founding of the State of Alabama.

June 17, 1969
[S. 1995]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the one hundred and fiftieth anniversary of the founding of the State of Alabama, the Secretary of the Treasury is authorized and directed to strike and furnish to the Alabama Sesquicentennial Commission five thousand silver and fifty thousand bronze medals with suitable emblems, devices, and inscriptions to be determined by such Commission subject to the approval of the Secretary of the Treasury. The medals shall be made and delivered at such times as may be required by such Commission, but no medals shall be made after January 1, 1970. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

State of
Alabama,
150th an-
niversary
medals.

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses; and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for full payment of such costs.

Cost.

SEC. 3. The medals authorized to be issued pursuant to this Act shall be of such size or sizes as shall be determined by the Secretary of the Treasury in consultation with the Alabama Sesquicentennial Commission.

Size.

Approved June 17, 1969.

Public Law 91-30

JOINT RESOLUTION

To provide for the appointment of Thomas J. Watson, Junior, as Citizen Regent of the Board of Regents of the Smithsonian Institution.

June 17, 1969
[S. J. Res. 35]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, shall be filled by the appointment of Thomas J. Watson, Junior, a resident of Connecticut, in place of Jerome C. Hunsaker, resigned, for the statutory term of six years.

Smithsonian
Institution.

Approved June 17, 1969.

Public Law 91-31

June 18, 1969
 [H. J. Res. 782]

Continuing
appropriations,
1969.

Post, p. 49.

JOINT RESOLUTION

Making further continuing appropriations for the fiscal year 1969, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there are hereby appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds for the several departments, agencies, corporations, and other organizational units of the Government such amounts as (1) may be necessary to cover salaries, compensation, and pay (including pensions and retired pay) for the fiscal year 1969, and (2) are provided for in the "Second Supplemental Appropriations Act, 1969," as reported to the Senate June 11, 1969, with amendments (Senate Report No. 91-228, 91st Congress).

SEC. 2. Appropriations made by this joint resolution shall be available to the extent and in the manner which would be provided by the Second Supplemental Appropriations Act, 1969, as reported to the Senate, and all expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever such Act is enacted into law.

Approved June 18, 1969.

Public Law 91-32

June 23, 1969
 [H. R. 4622]

Veterans.
72 Stat. 1113;
78 Stat. 464.

AN ACT

To amend section 110 of title 38, United States Code, to insure preservation of all disability compensation evaluations in effect for twenty or more years.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective August 19, 1964, section 110 of title 38, United States Code, is amended by striking out "percentage" each time it occurs and inserting in lieu thereof "evaluation".

Approved June 23, 1969.

Public Law 91-33

June 30, 1969
 [H. J. Res. 790]

Continuing approp-
riations, 1970.

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1970, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1970, namely:

SEC. 101. (a) (1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1969 and for which appropriations, funds, or other authority would be available in the following Appropriation Acts for the fiscal year 1970:

Department of Agriculture and Related Agencies Appropriation Act;

Post, p. 244.

Treasury, Post Office, and Executive Office Appropriation Act; and

Post, p. 116.

Independent Offices and Department of Housing and Urban Development Appropriation Act.

Post, p. 221.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House is different from that which would be available or granted under such Act as passed by the Senate, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority.

(4) Whenever an Act listed in this subsection has been passed by only one House or where an item is included in only one version of an Act as passed by both Houses, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower: *Provided*, That no provision (except a provision authorizing the filling of positions) which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable Appropriation Act for 1969, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

(b) Such amounts as may be necessary for continuing projects or activities which were conducted in the fiscal year 1969 and are listed in this subsection at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority—

activities for which provision was made in the Department of Defense Appropriation Act, 1969;

82 Stat. 1120.

activities for which provision was made in the District of Columbia Appropriation Act, 1969;

82 Stat. 694.

activities for which provision was made in the Foreign Assistance and Related Agencies Appropriation Act, 1969;

82 Stat. 1137.

activities for which provision was made in the Department of Interior and Related Agencies Appropriation Act, 1969;

82 Stat. 425.

activities for which provision was made in the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1969: *Provided*, That not to exceed \$8,100,000 shall be available from the appropriation for the fiscal year 1970, granted under the heading "Elementary and secondary educational activities" in such Act, for use by the Department of the Interior under section 103(a)(1)(A) of the Elementary and Secondary Education Act of 1965, as amended;

82 Stat. 969.

activities for which provision was made in the Legislative Branch Appropriation Act, 1969; except activities provided for in subsection (c) of this section;

80 Stat. 1191;
81 Stat. 783.
20 USC 241c.
82 Stat. 398.

activities for which provision was made in the Military Construction Appropriation Act, 1969;

82 Stat. 864.

activities for which provision was made in the Public Works for Water and Power Resources Development and Atomic Energy Commission Appropriation Act, 1969;

82 Stat. 705.

activities for which provision was made in the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1969;

82 Stat. 667.

82 Stat. 654.

82 Stat. 956.

82 Stat. 1320.
22 USC 2751

note.

82 Stat. 462.
42 USC 3801
note.

activities for which provision was made in the Department of Transportation Appropriation Act, 1969;

activities for which provision was made under section 307 of the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1969;

activities of the Civil Aeronautics Board;

activities of the Interstate Commerce Commission;

activities under the Foreign Military Credit Sales Act;

activities under the Juvenile Delinquency Prevention and Control Act of 1968;

activities of the American Revolution Bicentennial Commission; and

activities of the National Water Commission.

(c) Such amounts as may be necessary for continuing projects or activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol, to the extent and in the manner which would be provided for in the budget estimates for the fiscal year 1970.

(d) Such amounts as may be necessary for continuing activities for State administration under title III, part A, and title V of the National Defense Education Act of 1958, and under title II of the Elementary and Secondary Education Act of 1965, as amended, but at a rate for operations not in excess of the current rate: *Provided*, That the amount made available in this paragraph for such activities shall be charged to such appropriations as may be made available for the fiscal year 1970 for the purposes of grants to local educational agencies under titles I and III of the Elementary and Secondary Education Act of 1965, as amended.

(e) Such amounts as may be necessary for Federal and non-Federal administrative expenses under the appropriation for "Grants and expenses", Office of State Technical Services, Department of Commerce, but at a rate for operations not in excess of the current rate.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity or (c) October 31, 1969, whichever first occurs.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in subsection (d) (2) of section 3679 of the Revised Statutes, as amended, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds or to permit the use, including the expenditure, of appropriations, funds, or authority in any manner which would contravene the provisions of title IV of the Second Supplemental Appropriation Act, 1969.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or

20 USC 441-445,
481-491.

20 USC 821-827.

20 USC 241a
note, 841-848.

31 USC 665.

Post, p. 82.

resume any project or activity which was not being conducted during the fiscal year 1969.

SEC. 107. Any appropriation for the fiscal year 1970 required to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of section 3679, Revised Statutes, as amended.

31 USC 665.

Approved June 30, 1969.

Public Law 91-34

AN ACT

To revise the pay structure of the police force of the National Zoological Park, and for other purposes.

June 30, 1969
[H. R. 2667]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter VI of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following new section:

“§ 5365. Police force of National Zoological Park

“(a) The Secretary of the Smithsonian Institution shall fix the per annum rates of basic pay of positions on the police force of the National Zoological Park in accordance with the following provisions:

- “(1) Private—not more than the rate for GS-7, Step 5;
- “(2) Sergeant—not more than the rate for GS-8, Step 5;
- “(3) Lieutenant—not more than the rate for GS-9, Step 5;
- “(4) Captain—not more than the rate for GS-10, Step 5.”

(b) The table of sections of subchapter VI of chapter 53 of title 5, United States Code, is amended by adding—

“5365. Police force of National Zoological Park.”

immediately below—

“5364. Miscellaneous positions in the executive branch.”

SEC. 2. (a) Section 5102(c)(5) of title 5, United States Code, is amended by adding, immediately after the semicolon at the end thereof, the following: “and members of the police force of the National Zoological Park whose pay is fixed under section 5365 of this title;”.

(b) Section 5109(c) of title 5, United States Code, is repealed.

Repeal.

(c) The first section of the Act entitled “An Act relating to the policing of the buildings and grounds of the Smithsonian Institution and its constituent bureaus”, approved October 24, 1951 (65 Stat. 634; Public Law 206, Eighty-second Congress; 40 U.S.C. 193n), is amended by striking out “That the Secretary” and inserting in lieu thereof “That, subject to section 5365 of title 5, United States Code, the Secretary”.

SEC. 3. (a) The foregoing provisions of this Act shall become effective at the beginning of the first pay period which commences on or after the date of enactment of this Act.

Effective date.

(b) No rate of basic pay shall be reduced by reason of the enactment of this Act.

Approved June 30, 1969.

Public Law 91-35

June 30, 1969
[S. J. Res. 122]

JOINT RESOLUTION

To provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

Export Control
Act of 1949,
amendment.
63 Stat. 9;
79 Stat. 209.
Post, pp. 101,
169.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Export Control Act of 1949, as amended (50 U.S.C. App. 2032), is amended by striking out "June 30, 1969" and inserting in lieu thereof "August 30, 1969".

Approved June 30, 1969.

Public Law 91-36

June 30, 1969
[H. R. 4229]

AN ACT

To continue for a temporary period the existing suspension of duty on heptanoic acid, and to continue for one month the existing rates of withholding of income tax.

Heptanoic acid,
duty suspension.
80 Stat. 169.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That item 907.30 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "On or before 8/8/69" and inserting in lieu thereof "On or before 12/31/70".

SEC. 2. (a) Section 3402 of the Internal Revenue Code of 1954 (relating to income tax collected at source) is amended—

(1) by striking out "June 30, 1969" in subsection (a)(1) and inserting in lieu thereof "July 31, 1969";

(2) by striking out "July 1, 1969" in subsection (a)(2) and inserting in lieu thereof "August 1, 1969"; and

(3) by striking out "July 1, 1969" in subsection (c)(6) and inserting in lieu thereof "August 1, 1969".

(b) The amendments made by subsection (a) shall apply with respect to wages paid after June 30, 1969.

Approved June 30, 1969.

Effective date.

Income tax with-
holding rates,
extension.
82 Stat. 256;
Post, pp. 96,686.
26 USC 3402.

Public Law 91-37

June 30, 1969
[H. R. 4600]

AN ACT

To amend the Act entitled "An Act to incorporate the National Education Association of the United States", approved June 30, 1906 (34 Stat. 804).

National Edu-
cation Asso-
ciation in-
corporating
act, amend-
ments,
Powers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled "An Act to incorporate the National Education Association of the United States", approved June 30, 1906 (34 Stat. 804), as amended, is amended to read as follows:

"SEC. 3. That the said corporation shall further have power to have and to use a common seal, and to alter and change the same at its pleasure; to sue or to be sued in any court of the United States, or other court of competent jurisdiction; to make bylaws not inconsistent with the provisions of this Act or of the Constitution of the United States; to take or receive, whether by gift, grant, devise, bequest, or purchase, any real or personal estate, and to hold, grant, transfer, sell, convey, hire, or lease the same for the purpose of its incorporation; to accept and administer any trust of real or personal estate for any educational purpose within the objects of the corporation; and to borrow money

for its corporate purposes, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise."

(b) Section 6(a) of such Act, as amended, is amended by deleting "a Board of Trustees".

(c) Section 7 of such Act, as amended, is amended to read as follows:

"SEC. 7. (a) The invested fund now known as the 'Permanent Fund of the National Education Association,' shall be held in such corporation as a Permanent Fund and shall be in charge of the Executive Committee, which shall provide for the safekeeping and investment of such fund, and of all other funds which the corporation may receive by donation, bequest, or devise. No part of the principal of such Permanent Fund or its accretions shall be expended or transferred to the General Fund, except by a two-thirds vote of the Representative Assembly, after the proposed expenditure or transfer has been approved by the Executive Committee and the Board of Directors, and after printed notice of the proposed expenditure or transfer has been printed in the Journal of the National Education Association at least two months prior to the meeting of the Representative Assembly.

"(b) The income of the Permanent Fund shall be used only to meet the cost of maintaining the organization of the Association and of publishing its annual volume of Proceedings, unless the terms of the donation, bequest, or devise shall otherwise specify or the bylaws of the corporation shall otherwise provide.

"(c) The Executive Committee shall elect the secretary of the Association, who shall be secretary of the Executive Committee, and shall fix the compensation and the term of his office for a period not to exceed four years."

SEC. 2. Upon the adoption by the Representative Assembly of the National Education Association of amended bylaws to provide for the administration of the property of the corporation and for the selection of the secretary of the Association, section 7 of the Act June 30, 1906 (34 Stat. 804), shall be of no further force and effect.

Approved June 30, 1969.

50 Stat. 257.

Permanent Fund.

Transfer limitation.

Income, use.

Executive Committee secretary, election.

Termination.

Public Law 91-38

JOINT RESOLUTION

To extend the time for the making of a final report by the Commission To Study Mortgage Interest Rates.

July 1, 1969
[S.J. Res. 123]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(g) of the Act of May 7, 1968 (Public Law 90-301) is amended by striking out "The Commission may make an interim report not later than April 1, 1969, and shall make a final report of its study and recommendations not later than July 1, 1969," and inserting in lieu thereof the following: "The Commission shall make an interim report not later than July 1, 1969, and shall make a final report of its study and recommendations not later than August 1, 1969,".

Approved July 1, 1969.

Mortgage interest rates study. Report, extension. Ante, p. 7.

Public Law 91-39

July 8, 1969
[H. R. 4297]

AN ACT
To amend the Act of November 8, 1966.

National Commission on Reform of Federal Criminal Laws.
Final report, extension.
18 USC prec. 1 note.
Appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act of November 8, 1966 (80 Stat. 1516) is amended by striking out "within three years after the date of this Act" and inserting in lieu thereof "within four years after the date of this Act".

SEC. 2. Section 10 of such Act is amended by striking out "not to exceed a total of \$500,000" and inserting in lieu thereof "not to exceed a total of \$850,000", and adding at the end thereof a new sentence as follows: "Authority is hereby granted for appropriated money to remain available until expended."

Approved July 8, 1969.

Public Law 91-40

July 8, 1969
[H. R. 265]

AN ACT
To amend section 502 of the Merchant Marine Act, 1936, relating to construction-differential subsidies.

Vessels.
Construction subsidy, extension.
82 Stat. 1004.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso in the second sentence of subsection (b) of section 502 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1152(b)), is amended by striking out "June 30, 1969," and inserting in lieu thereof "June 30, 1970".

Approved July 8, 1969.

Public Law 91-41

July 9, 1969
[H. R. 8644]

AN ACT
To make permanent the existing temporary suspension of duty on crude chicory roots.

Chicory roots, duty suspension; aid to dependent children.

82 Stat. 1498.

Repeal.
77A Stat. 432;
80 Stat. 191.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Tariff Schedules of the United States (19 U.S.C. 1202) are amended as follows:

(1) Item 160.30 (relating to crude chicory roots) is amended by striking out "0.8¢ per lb." and inserting in lieu thereof "Free".

(2) Item 903.20 (relating to crude chicory roots), item 903.21 (relating to chicory roots ground or otherwise prepared), and the article description immediately preceding such items are repealed.

(b) The rates of duty for item 160.30 in rate column numbered 1 of the Tariff Schedules of the United States, as amended by subsection (a), shall (1) be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carrying out foreign trade agreements to which the United States is a party, and (2) supersede the staged rates of duty provided for such items in annex III to Proclamation 3822, dated December 16, 1967 (32 Fed. Reg., No 244, pt. II, p. 19037).

SEC. 2. The first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1969.

Effective date.

SEC. 3. (a) Section 403(d) of the Social Security Act is repealed.

(b) Section 403(a) of such Act is amended by striking out "(subject to subsection (d))" in the matter preceding paragraph (1).

SEC. 4. Section 1113(d) of the Social Security Act is amended by striking "1969" and inserting in lieu thereof "1971".

Approved July 9, 1969.

Repeal.
81 Stat. 894;
82 Stat. 273.
42 USC 603.
81 Stat. 934.
42 USC 1313.

Public Law 91-42

AN ACT

To authorize the appropriation of funds for Padre Island National Seashore in the State of Texas, and for other purposes.

July 11, 1969
[H. R. 11069]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, there are hereby authorized to be appropriated such sums as may be necessary to satisfy the final net judgments rendered against the United States in civil action numbered 66-B-1 in the United States District Court for the Southern District of Texas, for the acquisition of lands and interests in land for the Padre Island National Seashore, totaling \$4,129,829.00, plus interest as provided by law.

Padre Island
National Sea-
shore, Tex.
Appropriation.

Approved July 11, 1969.

Public Law 91-43

AN ACT

To authorize appropriations for the saline water conversion program for fiscal year 1970, and for other purposes.

July 11, 1969
[S. 1011]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to carry out the provisions of the Saline Water Conversion Act (66 Stat. 328), as amended (42 U.S.C. 1951 et seq.), during fiscal year 1970, the sum of \$26,000,000 as follows:

Saline water
conversion
program.
Appropriations.
75 Stat. 628;
81 Stat. 78.

(1) research and development operating expenses, not more than \$17,223,000;

(2) design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities, not more than \$5,355,000;

(3) design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, not more than \$1,450,000; and

(4) administration and coordination, not more than \$1,972,000.

(b) Expenditures and obligations under any of the items in this section except item (4) may be increased by not more than 10 per centum if such increase is accompanied by an equal decrease in expenditures and obligations under one or more of the other items, including item (4).

SEC. 2. In addition to the sums authorized to be appropriated by this Act, the Secretary may utilize any funds previously appropriated for this program which are not obligated on June 30, 1969, subject to the dollar limitations applicable to the fiscal year 1969 program.

Approved July 11, 1969.

Public Law 91-44

July 11, 1969
[H. R. 12167]

Atomic Energy
Commission.
Appropriation
authorization.
77 Stat. 88.
42 USC 2017.

AN ACT

To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", \$1,967,050,000, not to exceed \$121,000,000 in operating costs for the High Energy Physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) SPECIAL NUCLEAR MATERIALS.—

Project 70-1-a, waste storage tanks and tank farm waste handling systems, Richland, Washington, \$10,000,000.

Project 70-1-b, bedrock waste storage (AE and site selection drilling only), Savannah River, South Carolina, \$1,300,000.

Project 70-1-c, waste encapsulation and storage facilities (AE only), Richland, Washington, \$1,200,000.

Project 70-1-d, contaminated water control facilities, Savannah River, South Carolina, \$1,500,000.

Project 70-1-e, equipment test facility, Oak Ridge, Tennessee, \$5,700,000.

(2) SPECIAL NUCLEAR MATERIALS.—

Project 70-2-a, rebuilding of gaseous diffusion plant cooling tower, Portsmouth, Ohio, \$1,000,000.

Project 70-2-b, improvement of gaseous diffusion plant electrical distribution systems, Paducah, Kentucky, \$1,700,000.

(3) ATOMIC WEAPONS.—Project 70-3-a, weapons production, development and test installations, \$10,000,000.

(4) REACTOR DEVELOPMENT.—

Project 70-4-a, high temperature sodium facility, Pacific Northwest Laboratory, Richland, Washington, \$6,300,000.

Project 70-4-b, research and development test plans, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, \$1,000,000.

Project 70-4-c, modifications and alterations to expended core facility, National Reactor Testing Station, Idaho, \$4,400,000.

Project 70-4-d, modifications to reactors, \$1,000,000.

(5) REACTOR DEVELOPMENT.—Project 70-5-a, conversion of heating plant to natural gas, Argonne National Laboratory, Illinois, \$560,000.

(6) PHYSICAL RESEARCH.—

Project 70-6-a, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, \$650,000.

Project 70-6-b, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, \$700,000.

Project 70-6-c, accelerator improvements, Cambridge and Princeton accelerators, \$200,000.

Project 70-6-d, accelerator improvements, Lawrence Radiation Laboratory, Berkeley, California, \$680,000.

Project 70-6-e, accelerator improvements, Stanford Linear Accelerator Center, California, \$640,000.

Project 70-6-f, accelerator improvements, medium and low energy physics, \$130,000.

Project 70-6-g, modification to Heavy Ion Linear Accelerator, Lawrence Radiation Laboratory, Berkeley, California, \$2,650,000.

(7) ADMINISTRATIVE.—Project 70-7-a, computer building, AEC Headquarters, Germantown, Maryland, \$1,850,000.

(8) GENERAL PLANT PROJECTS. —\$37,650,000.

(9) CAPITAL EQUIPMENT.—Acquisition and fabrication to capital equipment not related to construction, \$172,525,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (3), (4), and (6) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsection 101(b) (2), (5), and (7) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start a project under subsection 101(b) (8) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such project shall be \$100,000 provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b) (8) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

Construction
design services.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

Transfers of
amounts.

SEC. 105. AMENDMENT OF PRIOR YEAR ACT.—Section 101(b) of Public Law 90-56, as amended, is further amended by striking from subsection (4) thereof the figure "\$32,333,000" for project 68-4-f, 200-Bev accelerator, Du Page and Kane Counties near Chicago, Illinois, and substituting therefor the figure "\$250,000,000."

81 Stat. 125;
82 Stat. 97.

SEC. 106. LIQUID METAL FAST BREEDER REACTOR DEMONSTRATION PROGRAM—PROJECT DEFINITION PHASE.—(a) The Commission is hereby authorized to conduct the Project Definition Phase of a Liquid Metal Fast Breeder Reactor Demonstration Program, under cooperative arrangements with reactor manufacturers and others, in accordance with the criteria heretofore submitted to the Joint Committee on Atomic Energy, without regard to the provisions of section 169 of the Atomic Energy Act of 1954, as amended, and authorization of appropriations therefor in the amount of \$7,000,000 is included in section 101 of this Act.

68 Stat. 952.
42 USC 2209.

SEC. 107. The Commission is authorized to appoint persons as employees to positions in the Atomic Energy Commission without regard to the provisions of section 201 of Public Law 90-364, and such positions shall not be taken into consideration in determining numbers of employees under subsection (a) of that section or numbers of vacancies under subsection (b) of that section.

Federal em-
ployees, limita-
tion, exception.
Post, p. 83.

Approved July 11, 1969.

Public Law 91-45

July 19, 1969
[H. R. 3689]

Veterans' Ad-
ministration
Center,
Fort Harrison,
Mont.

To cede to the State of Montana concurrent jurisdiction with the United States over the real property comprising the Veterans' Administration Center, Fort Harrison, Montana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby ceded to the State of Montana concurrent jurisdiction with the United States over the real property comprising the Veterans' Administration Center, Fort Harrison, Montana.

SEC. 2. This cession of jurisdiction shall take effect upon acceptance by the State of Montana.

Approved July 19, 1969.

Public Law 91-46

July 19, 1969
[S. 1647]

Lead.
Disposal.

60 Stat. 596.

7 USC 1704.

Bids.

Exemptions.

AN ACT

To authorize the release of one hundred thousand short tons of lead from the national stockpile and the supplemental stockpile.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one hundred thousand short tons of lead now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Approved July 19, 1969.

Public Law 91-47

AN ACT

Making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

July 22, 1969
[H. R. 11400]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this Act may be cited as the "Second Supplemental Appropriations Act, 1969") for the fiscal year ending June 30, 1969, and for other purposes, namely:

Second
Supplemental
Appropriations
Act, 1969.

TITLE I

MILITARY OPERATIONS IN SOUTHEAST ASIA

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military personnel, Army", \$110,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military personnel, Navy", \$21,500,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military personnel, Air Force", \$146,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and maintenance, Army", \$96,310,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and maintenance, Marine Corps", \$15,390,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and maintenance, Air Force", \$242,700,000.

PROCUREMENT

PROCUREMENT OF EQUIPMENT AND MISSILES, ARMY

For an additional amount for "Procurement of equipment and missiles, Army", \$640,100,000, to remain available until expended.

TITLE II**CHAPTER I****DEPARTMENT OF AGRICULTURE****AGRICULTURAL RESEARCH SERVICE****SALARIES AND EXPENSES**

For an additional amount for "Salaries and expenses", for "Plant and animal disease and pest control", \$1,400,000.

EXTENSION SERVICE**COOPERATIVE EXTENSION WORK, PAYMENTS AND EXPENSES**

For an additional amount for "Cooperative extension work, payments and expenses", for "Retirement and employees' compensation costs for extension agents", \$218,000.

SOIL CONSERVATION SERVICE**FLOOD PREVENTION**

For an additional amount for "Flood prevention", \$1,000,000 to remain available until expended for emergency measures for runoff retardation and soil erosion prevention, as provided by section 216 of the Flood Control Act of 1950 (33 U.S.C. 701 b-1).

64 Stat. 184.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE**SUGAR ACT PROGRAM**

For an additional amount for "Sugar Act program", \$7,500,000.

61 Stat. 922;
79 Stat. 1271.
7 USC 1100.**FARMERS HOME ADMINISTRATION****EMERGENCY CREDIT REVOLVING FUND**

There may be transferred to the Emergency Credit Revolving Fund not to exceed \$25,000,000 of the unobligated funds in the Direct Loan Account, to be reimbursed to the Direct Loan Account from repayments of loans made from the Emergency Credit Revolving Fund.

CHAPTER II**DEPARTMENT OF DEFENSE—MILITARY****MILITARY PERSONNEL****RESERVE PERSONNEL, NAVY**

For an additional amount for "Reserve personnel, Navy", \$4,150,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve personnel, Marine Corps", \$5,450,000.

RETIRED PAY, DEFENSE

For an additional amount for "Retired pay, Defense", \$175,000,000.

OPERATION AND MAINTENANCE**OPERATION AND MAINTENANCE, NAVY**

For an additional amount for "Operation and maintenance, Navy", \$20,000,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and maintenance, Marine Corps", \$3,600,000, and in addition, \$500,000 to be derived by transfer from the appropriation "Procurement, Marine Corps".

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and maintenance, Army National Guard", \$10,000,000, and in addition, \$1,500,000, to be derived by transfer from the appropriation "Research, Development, Test, and Evaluation, Army".

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and maintenance, Air National Guard", \$8,800,000, and in addition, \$2,000,000, to be derived by transfer from the appropriation "Other Procurement, Air Force"

CHAPTER III**DISTRICT OF COLUMBIA****FEDERAL FUNDS****FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA**

For an additional amount for "Federal payment to the District of Columbia", for the general fund of the District of Columbia, \$10,365,000.

DISTRICT OF COLUMBIA FUNDS**GENERAL OPERATING EXPENSES**

For an additional amount for "General operating expenses", \$975,-000, of which \$1,000 shall be payable from the highway fund.

PUBLIC SAFETY

For an additional amount for "Public safety", \$10,034,000, of which \$95,000 for the Department of Corrections shall remain available until September 30, 1969, and of which \$528,000 shall be payable from the highway fund, and of which \$1,302,000 shall be available for the fiscal year 1968.

EDUCATION

For an additional amount for "Education", \$13,931,000.

HEALTH AND WELFARE

For an additional amount for "Health and welfare", \$111,000.

SANITARY ENGINEERING

For an additional amount for "Sanitary engineering", \$252,000.

SETTLEMENT OF CLAIMS AND SUITS

D.C. Code 1-
902 to 1-906.

For payment of claims in excess of \$250, approved by the Commissioner in accordance with the provisions of the Act of February 11, 1929, as amended (45 Stat. 1160; 46 Stat. 500; 65 Stat. 131), \$50,000.

DIVISION OF EXPENSES

The sums appropriated herein for the District of Columbia shall, unless otherwise specifically provided for, be paid out of the general fund of the District of Columbia.

CHAPTER IV**FOREIGN OPERATIONS****DEPARTMENT OF HEALTH, EDUCATION, AND
WELFARE****SOCIAL AND REHABILITATION SERVICE****ASSISTANCE TO REFUGEES IN THE UNITED STATES**

For an additional amount for "Assistance to refugees in the United States", \$2,700,000 to be derived by transfer from appropriations for "Economic Assistance", fiscal year 1969, of the Agency for International Development, and, in addition, \$35,000 which shall be derived by transfer from "Communicable diseases", Public Health Service, fiscal year 1969.

FUNDS APPROPRIATED TO THE PRESIDENT**INTERNATIONAL FINANCIAL INSTITUTIONS****SUBSCRIPTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION**

Ante, p. 10.

For payment of the first installment of the United States share of the 1969-1971 increase in the resources of the International Development Association, as authorized by law, \$160,000,000, to remain available until expended.

CHAPTER V**EXECUTIVE OFFICE OF THE PRESIDENT****OFFICE OF EMERGENCY PREPAREDNESS****SALARIES AND EXPENSES, TELECOMMUNICATIONS**

For an additional amount for "Salaries and expenses, telecommunications", \$500,000, to remain available until expended.

FUNDS APPROPRIATED TO THE PRESIDENT**DISASTER RELIEF**

For an additional amount for "Disaster relief", \$35,000,000, to remain available until expended.

INDEPENDENT OFFICES**FEDERAL TRADE COMMISSION****SALARIES AND EXPENSES**

For an additional amount for "Salaries and expenses", \$600,000 of which \$100,000 shall remain available until September 30, 1969; (and release of \$81,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364).

Post, p. 83.

SELECTIVE SERVICE SYSTEM**SALARIES AND EXPENSES**

For an additional amount for "Salaries and expenses", \$2,850,000.

VETERANS ADMINISTRATION**COMPENSATION AND PENSIONS**

For an additional amount for "Compensation and pensions", \$276,-600,000, to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits", \$89,200,000, to remain available until expended.

MEDICAL CARE

For an additional amount for "Medical care", \$53,800,000: (and release of \$15,167,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364).

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses", \$12,000,000.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**MORTGAGE CREDIT****HOME OWNERSHIP AND RENTAL HOUSING ASSISTANCE**

The limitation on total payments that may be required in any fiscal year by all contracts entered into under section 235 of the National Housing Act, as amended (82 Stat. 477), is increased by \$45,000,000 and the limitation on total payments under those entered into under section 236 of such Act (82 Stat. 498) is increased by \$45,000,000.

12 USC 1715z.

12 USC 1715z-1.

12 USC 1749.

RENEWAL AND HOUSING ASSISTANCE

COLLEGE HOUSING

The limitation on total payments that may be required in any fiscal year by all contracts for annual grants with educational institutions entered into pursuant to section 401 of the Housing Act of 1950, as amended (82 Stat. 604), is increased by \$2,500,000.

LOW RENT PUBLIC HOUSING ANNUAL CONTRIBUTIONS

For additional amounts for "Low rent public housing annual contributions", \$7,168,000 for the fiscal year 1968, and \$16,000,000 for the fiscal year 1969.

CHAPTER VI

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", \$10,410,000; and in addition, \$1,803,000 (including \$175,000 reserved pursuant to section 201 of Public Law 90-364) which shall be derived by transfer from the appropriation for "Water supply and water pollution control", fiscal year 1969; (and release of \$275,000 reserved under "Management of lands and resources" pursuant to said section 201).

BUREAU OF INDIAN AFFAIRS

EDUCATION AND WELFARE SERVICES

For an additional amount for "Education and welfare services", \$2,781,000.

RESOURCES MANAGEMENT

For an additional amount for "Resources management", \$2,700,000, of which \$150,000 shall remain available until September 30, 1969; (and release of \$426,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364).

BUREAU OF OUTDOOR RECREATION

LAND AND WATER CONSERVATION

For an additional amount for "Land and water conservation", to be derived from the "Land and water conservation fund" and to remain available until expended for liquidation of obligations incurred pursuant to section 3(b)(1) of the Act of October 2, 1968 (Public Law 90-545), \$19,000,000.

82 Stat. 931.
16 USC 79c.

OFFICE OF THE TERRITORIES

ADMINISTRATION OF TERRITORIES

For an additional amount for "Administration of territories", \$950,000, to remain available until expended.

GEOLOGICAL SURVEY**SURVEYS, INVESTIGATIONS, AND RESEARCH**

For an additional amount for "Surveys, investigations, and research", \$2,242,000, of which \$300,000 shall remain available until June 30, 1970.

BUREAU OF MINES**HEALTH AND SAFETY**

For an additional amount for "Health and safety", \$750,000 to remain available until September 30, 1969.

HELIUM FUND

For an additional amount of borrowing authority for the "Helium fund", \$10,000,000, to remain available without fiscal year limitation.

OFFICE OF OIL AND GAS**SALARIES AND EXPENSES**

For an additional amount for "Salaries and expenses", \$48,000.

BUREAU OF COMMERCIAL FISHERIES**PAYMENT TO FISHERMEN'S PROTECTIVE FUND**

For payment to "Fishermen's Protective Fund", established pursuant to the Act of August 12, 1968 (82 Stat. 729), \$60,000, to remain available until expended.

22 USC 1977.

BUREAU OF SPORT FISHERIES AND WILDLIFE**MANAGEMENT AND INVESTIGATIONS OF RESOURCES**

For an additional amount for "Management and investigations of resources", \$1,353,000, of which \$250,000 shall remain available until September 30, 1969; (and release of \$139,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364).

Post, p. 83.

CONSTRUCTION

For an additional amount for "Construction", \$400,000, to remain available until expended.

NATIONAL PARK SERVICE**MANAGEMENT AND PROTECTION**

For an additional amount for "Management and protection", \$2,366,000; (and release of \$195,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364).

CONSTRUCTION

For an additional amount for "Construction", \$1,103,000, to remain available until expended.

DEPARTMENT OF AGRICULTURE
FOREST SERVICE
FOREST PROTECTION AND UTILIZATION

For an additional amount for "Forest protection and utilization", as follows: "Forest land management", \$24,374,000, of which \$460,000 shall remain available until September 30, 1969; "Forest research", \$1,564,000; and "State and private forestry cooperation", \$124,000: (and release of \$1,676,000 reserved under "Forest protection and utilization" pursuant to section 201 of Public Law 90-364).

Post, p. 83.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", equal to the total amounts of gifts, bequests, and devises of money, and other property received prior to September 1, 1969, by each Endowment under the provisions of section 10(a) (2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, not to exceed a total of \$3,000,000, to remain available until expended.

82 Stat. 186.
20 USC 959.

CHAPTER VII

DEPARTMENT OF LABOR

BUREAU OF EMPLOYMENT SECURITY

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES AND EX-SERVICEMEN

For an additional amount for "Unemployment compensation for Federal employees and ex-servicemen", \$20,000,000.

MANPOWER ADMINISTRATION

MANPOWER DEVELOPMENT AND TRAINING ACTIVITIES

For an additional amount to carry out the provisions of section 102 of the Manpower Development and Training Act of 1962, as amended, \$7,500,000, to remain available until September 30, 1969.

76 Stat. 24;
79 Stat. 75.
42 USC 2572.

WAGE AND LABOR STANDARDS

BUREAU OF EMPLOYEES' COMPENSATION

EMPLOYEES' COMPENSATION CLAIMS AND EXPENSES

For an additional amount for "Employees' compensation claims and expenses", \$15,900,000.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF EDUCATION

HIGHER EDUCATIONAL ACTIVITIES

For an additional amount for "Higher educational activities", \$3,920,000, to remain available until expended for annual interest grants authorized by section 306 of the Higher Education Facilities Act, as amended (Public Law 90-575, approved October 16, 1968): *Provided*, That, in addition, \$160,000 shall be derived by transfer from "Community mental health resource support", Public Health Service, fiscal year 1969: *Provided further*, That none of the funds appropriated by this Act for annual interest grants authorized by section 306 of the Higher Education Facilities Act, as amended by Public Law 90-575, shall be used to formulate or carry out any grant to any institution of higher education unless such institution is in full compliance with section 504 of such Act.

82 Stat. 1060.
20 USC 746.

82 Stat. 1062.
20 USC 1060.

PUBLIC HEALTH SERVICE

OFFICE OF THE SURGEON GENERAL

COMPREHENSIVE HEALTH PLANNING AND SERVICES

For an additional amount for "Comprehensive health planning and services", \$9,186,000, to remain available until September 30, 1969, to be derived by transfer from "Community mental health resource support", Public Health Service, fiscal year 1969: (and release of \$292,000 reserved under "Comprehensive health planning and services" pursuant to section 201 of Public Law 90-364): *Provided*, That the amount made available under "Comprehensive health planning and services" in the Department of Health, Education, and Welfare Appropriation Act, 1969, for grants under section 314(a) of the Public Health Service Act is reduced from "\$7,375,000" to \$7,125,000.

Post, p. 83.

82 Stat. 979;
80 Stat. 1181.
42 USC 246.

DISTRICT OF COLUMBIA MEDICAL FACILITIES

For grants and loans for nonprofit private facilities pursuant to the District of Columbia Medical Facilities Construction Act of 1968 (Public Law 90-457), \$15,000,000, to remain available until expended.

82 Stat. 631.

SOCIAL AND REHABILITATION SERVICE

GRANTS TO STATES FOR PUBLIC ASSISTANCE

For an additional amount for "Grants to States for maintenance payments"; "Grants to States for medical assistance"; and "Social services, administration, training, and demonstration projects"; \$651,-546,000.

ASSISTANCE FOR REPATRIATED UNITED STATES NATIONALS

For an additional amount for "Assistance for repatriated United States nationals", \$100,000.

79 Stat. 338.
42 USC 401.

SOCIAL SECURITY ADMINISTRATION
LIMITATION ON SALARIES AND EXPENSES

For an additional amount for "Limitation on salaries and expenses", Social Security Administration, \$21,200,000, to be expended, as authorized by section 201(g) (1) of the Social Security Act, as amended, from any one or all of the trust funds referred to therein.

CHAPTER VIII
LEGISLATIVE BRANCH
SENATE

For payment to Vide G. Bartlett, widow of E. L. Bartlett, late a Senator from the State of Alaska, \$30,000.

The clerk hire allowance of each Senator from the States of Illinois and Texas shall be increased to that allowed Senators from States having a population of eleven million, the population of said States having exceeded eleven million inhabitants.

For an additional amount for "Inquiries and Investigations", fiscal year 1968, \$126,900.

HOUSE OF REPRESENTATIVES

For payment to Lelia Ashton Everett, mother of Robert A. Everett, late a Representative from the State of Tennessee, \$30,000.

CONTINGENT EXPENSES

82 Stat. 403.
54 Stat. 1056.
40 USC 174k.

Miscellaneous items: The limitation under this head, fiscal year 1969, on the payment to the Architect of the Capitol in accordance with section 208 of the Act approved October 9, 1940 (Public Law 812), is hereby increased by \$36,000.

ARCHITECT OF THE CAPITOL

House office buildings: From and after March 1, 1969, the compensation of the Superintendent of Garages shall be at the basic annual rate of \$5,270.

CHAPTER IX
PUBLIC WORKS
DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood control and coastal emergencies", \$25,000,000, to remain available until expended.

INDEPENDENT OFFICES**ATOMIC ENERGY COMMISSION****PLANT AND CAPITAL EQUIPMENT**

For an additional amount for "Plant and Capital Equipment", \$45,000,000, to remain available until expended.

CHAPTER X**DEPARTMENT OF JUSTICE****LEGAL ACTIVITIES AND GENERAL ADMINISTRATION****SALARIES AND EXPENSES, GENERAL ADMINISTRATION**

For an additional amount for "Salaries and expenses, general administration", \$65,000, of which \$40,000 shall remain available until September 30, 1969, and, in addition, \$231,000 which shall be derived by transfer from the amount reserved under "Salaries and expenses", Law Enforcement Assistance Administration, pursuant to section 201 of Public Law 90-364, and \$2,000 which shall be derived by transfer from the amount reserved under "Salaries and expenses, Community Relations Service", pursuant to said section 201.

Post, p. 83.

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and expenses, general legal activities", \$1,277,000, of which \$101,000 shall remain available until September 30, 1969, and, in addition, \$100,000 which shall be derived by transfer from the amount reserved under "Salaries and expenses", Law Enforcement Assistance Administration, pursuant to section 201 of Public Law 90-364; (and release of \$100,000 reserved under "Salaries and expenses, general legal activities" pursuant to said section 201).

SALARIES AND EXPENSES, ANTITRUST DIVISION

For an additional amount for "Salaries and expenses, Antitrust Division", \$99,000, and, in addition, \$262,000 which shall be derived by transfer from the amount reserved under "Salaries and expenses", Law Enforcement Assistance Administration, pursuant to section 201 of Public Law 90-364; (and release of \$90,000 reserved under "Salaries and expenses, Antitrust Division" pursuant to said section 201).

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For an additional amount for "Salaries and expenses, United States attorneys and marshals", \$2,505,000 of which \$162,000 shall remain available until September 30, 1969; (and release of \$150,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364).

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES, BUREAU OF PRISONS

For an additional amount for "Salaries and expenses, Bureau of Prisons", \$2,319,000; (and release of \$250,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364).

Post, p. 83.

SUPPORT OF UNITED STATES PRISONERS

For an additional amount for "Support of United States Prisoners", \$2,500,000.

BUREAU OF NARCOTICS AND DANGEROUS DRUGS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$1,187,000 of which \$737,000 shall remain available until September 30, 1969; (and release of \$400,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364).

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ASSISTANCE

OPERATIONS AND ADMINISTRATION

The amount required to be advanced from "Operations and administration" to the Small Business Administration during the current fiscal year for the processing of loan applications is hereby reduced to \$1,200,000; (and release of \$116,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364).

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

SALARIES AND EXPENSES

In addition to the amount made available in the appropriation under this head in the Department of Commerce Appropriation Act, 1969, for retirement pay of commissioned officers and payments under the Retired Serviceman's Family Protection Plan, \$147,000 shall be available in that appropriation for such expenses.

82 Stat. 679;
70A Stat. 108;
75 Stat. 810.
10 USC 1431-
1446

MARITIME ADMINISTRATION

STATE MARINE SCHOOLS

For an additional amount for "State marine schools", for liquidation of obligations incurred for payment of allowances for uniforms, textbooks and subsistence of cadets at State marine schools, to remain available until expended, \$210,000, to be derived by transfer from the appropriation for "Ship construction".

THE JUDICIARY**SUPREME COURT OF THE UNITED STATES****PRINTING AND BINDING SUPREME COURT REPORTS**

For an additional amount for "Printing and binding Supreme Court reports", \$27,000.

For an additional amount for "Printing and binding Supreme Court reports", fiscal year 1968, \$10,000.

CUSTOMS COURT**SALARIES AND EXPENSES**

For an additional amount for "Salaries and expenses", \$113,000.

COURT OF APPEALS, DISTRICT COURTS, AND OTHER**JUDICIAL SERVICES****SALARIES OF JUDGES**

For an additional amount for "Salaries of judges", \$1,948,000.

SALARIES OF SUPPORTING PERSONNEL

For an additional amount for "Salaries of supporting personnel", \$2,412,000 of which \$205,000 shall remain available until September 30, 1969.

FEES AND EXPENSES OF COURT-APPOINTED COUNSEL

For an additional amount for "Fees and expenses of court-appointed counsel", fiscal year 1968, \$850,000.

For an additional amount for "Fees and expenses of court-appointed counsel", fiscal year 1969, \$850,000.

TRAVEL AND MISCELLANEOUS EXPENSES

For an additional amount for "Travel and miscellaneous expenses", \$400,000.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

For an additional amount for "Administrative Office of the United States Courts", \$97,500, of which \$10,000 shall remain available until September 30, 1969, and, in addition, \$10,000 which shall be derived by transfer from the appropriation "Expenses of referees", fiscal year 1969.

CHAPTER XI**DEPARTMENT OF TRANSPORTATION****NATIONAL TRANSPORTATION SAFETY BOARD****SALARIES AND EXPENSES**

For an additional amount for "Salaries and expenses", \$298,000; (and release of \$28,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364).

Post, p. 83.

COAST GUARD

RETIRED PAY

For an additional amount for "Retired pay", \$2,000,000.

CHAPTER XII

TREASURY DEPARTMENT

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For an additional amount for "Administering the public debt", \$1,978,000; (and release of \$334,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364).

U.S. SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$470,000.

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$100,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$147,000.

CHAPTER XIII

CLAIMS AND JUDGMENTS

For payment of claims settled and determined by departments and agencies in accord with law and judgments rendered against the United States by the United States Court of Claims and United States district courts, as set forth in Senate Documents Numbered 18 and 22 and House Document Numbered 101, Ninety-first Congress, \$18,188,688, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That unless otherwise specifically required by law or by judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of the Act.

TITLE III

INCREASED PAY COSTS

For additional amounts for appropriations for the fiscal year 1969, for increased pay costs authorized by or pursuant to law, as follows:

LEGISLATIVE BRANCH

SENATE

“Compensation of the Vice President and Senators”, \$458,270;
“Salaries, officers and employees”, \$1,647,837;
“Office of the Legislative Counsel of the Senate”, \$21,905;
Contingent expenses of the Senate:
 “Senate policy committees”, \$27,190;
 “Automobiles and maintenance”, \$2,180;
 “Inquiries and investigations”, \$370,640; including \$14,460 for
the Committee on Appropriations;
 “Folding documents”, \$2,565;
 “Miscellaneous items”, \$169,015, including \$100,500 for payment
to the Architect of the Capitol in accordance with section 4 of
Public Law 87-82, approved July 6, 1961;

75 Stat. 199.
40 USC 174j-4.

HOUSE OF REPRESENTATIVES

COMPENSATION OF MEMBERS

Compensation of Members, \$1,975,000;

SALARIES, OFFICERS, AND EMPLOYEES

“Office of the Speaker”, \$4,015;
“Office of the Parliamentarian”, \$12,935;
“Compilation of precedents of House of Representatives”, \$670;
“Office of the Chaplain”, \$1,250;
“Office of the Clerk”, \$110,000;
“Office of the Sergeant at Arms”, \$192,000;
“Office of the Doorkeeper”, \$65,000;
“Office of the Postmaster”, \$40,875;
“Committee employees”, \$400,000;
Special and minority employees:
 “Minority employees”, \$11,410;
 “House Democratic steering committee”, \$3,760;
 “House Republican conference”, \$3,760;
 “Majority leader”, \$4,800;
 “Minority leader”, \$4,005;
 “Majority whip”, \$3,885;
 “Minority whip”, \$3,885;
 “Printing clerks”, \$980;
“Official reporters of debates”, \$27,000;
“Official reporters to committees”, \$24,760;
“Office of the legislative counsel”, \$25,600;

MEMBERS' CLERK HIRE

“Members' clerk hire”, \$3,050,000;

Contingent Expenses of the House

“Special and select committees”, \$129,000;
 “Revision of laws”, \$1,490;
 “Speaker’s automobile”, \$665;
 “Majority leader’s automobile”, \$665;
 “Minority leader’s automobile”, \$665;

JOINT ITEMS

Contingent Expenses of the Senate

“Joint Economic Committee”, \$13,500;
 “Joint Committee on Atomic Energy”, \$17,820;
 “Joint Committee on Printing”, \$12,425;

Contingent Expenses of the House

“Joint Committee on Defense Production”, \$7,950;

ARCHITECT OF THE CAPITOL

Office of the Architect of the Capitol: “Salaries”, \$36,000;
 Capitol buildings and grounds:

“Capitol buildings”, \$74,500;
 “Capitol grounds”, \$25,600;
 “Senate office buildings”, \$174,000;
 “Senate garage”, \$6,500;
 “House office buildings”, \$300,000;
 “Capitol power plant”, \$27,500;

Library buildings and grounds: “Structural and mechanical care”,
 \$28,000;

BOTANIC GARDEN

“Salaries and expenses”, \$22,500;

LIBRARY OF CONGRESS

“Salaries and expenses”, \$579,300: *Provided*, That \$75,000 of the amount allocated for rental of space under this head, fiscal year 1969, may be used for increased pay costs;

Copyright Office: “Salaries and expenses”, \$109,800;

Legislative Reference Service: “Salaries and expenses”, \$170,000, and in addition, \$50,000 to be derived by transfer from the appropriation “Salaries and expenses”, distribution of catalog cards;

Distribution of catalog cards: Not to exceed \$150,000 of the \$200,000 reserve fund under this head, fiscal year 1969, may be used for increased pay costs;

Organizing and microfilming the papers of the Presidents: “Salaries and expenses”, \$6,000;

“Collection and distribution of library materials (special foreign currency program)”, \$9,000;

GOVERNMENT PRINTING OFFICE

Office of Superintendent of Documents: “Salaries and expenses”, \$178,000: *Provided*, That not to exceed \$50,000 of the \$200,000 reserve fund under this head, fiscal year 1969, may be used for increased pay costs;

GENERAL ACCOUNTING OFFICE

"Salaries and expenses", \$2,114,000;

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

"Salaries", \$120,000;

"Care of the building and grounds", \$15,900;

COURT OF CUSTOMS AND PATENT APPEALS

"Salaries and expenses", \$16,000;

COURT OF CLAIMS

"Salaries and expenses", \$64,000;

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

"Expenses of referees", \$248,000, to be derived from the "Referees' salary and expense fund";

"Salaries of referees", \$404,000, to be derived from the "Referees' salary and expense fund";

EXECUTIVE OFFICE OF THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For an additional amount for "Compensation of the President", \$44,584;

BUREAU OF THE BUDGET

"Salaries and expenses", \$50,000; (and release of \$355,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

Post, p. 83.

OFFICE OF EMERGENCY PREPAREDNESS

"Salaries and expenses", \$100,000; (and release of \$70,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

"Salaries and expenses, Telecommunications"; (Release of \$40,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

"Civil defense and defense mobilization functions of Federal agencies", \$30,000; (and release of \$40,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

OFFICE OF SCIENCE AND TECHNOLOGY

"Salaries and expenses", (Release of \$28,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

"Salaries and expenses", \$32,000;

FUNDS APPROPRIATED TO THE PRESIDENT

“Administrative expenses”, Agency for International Development, \$1,500,000, to be derived by transfer from appropriations for “Economic assistance”, fiscal year 1969;

“Administrative and other expenses”, Department of State, \$75,000, to be derived by transfer from appropriations for “Economic assistance”, fiscal year 1969;

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

Post, p. 83. “Salaries and expenses”; (Release of \$6,615,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

COOPERATIVE STATE RESEARCH SERVICE

“Payments and expenses”; (Release of \$81,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

FEDERAL EXTENSION SERVICE

“Cooperative extension work, payments and expenses”; (Release of \$135,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

FARMER COOPERATIVE SERVICE

“Salaries and expenses”, \$73,000;

SOIL CONSERVATION SERVICE

“Conservation operations”, \$3,980,000; (and release of \$1,000,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

“Watershed planning”, \$254,000; (and release of \$90,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

“River basin surveys and investigations”, \$306,000; (and release of \$90,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

“Watershed works of improvement”, \$688,000; (and release of \$300,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

“Flood prevention”, \$224,000; (and release of \$128,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

“Great Plains conservation program”, \$160,000;

“Resource conservation and development”, \$111,000; (and release of \$100,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

ECONOMIC RESEARCH SERVICE

“Salaries and expenses”, \$684,000;

STATISTICAL REPORTING SERVICE

“Salaries and expenses”, \$527,000;

CONSUMER AND MARKETING SERVICE

“Consumer protective, marketing, and regulatory programs”, \$2,000,000; (and release of \$600,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364).

Post, p. 83.

“Special milk program”; (Release of \$15,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

FOREIGN AGRICULTURAL SERVICE

“Salaries and expenses”, \$362,000, to be derived by transfer from “Cropland adjustment program”, Agricultural Stabilization and Conservation Service, fiscal year 1969; (and release of \$68,000 reserved under “Salaries and expenses”, Foreign Agricultural Service, pursuant to section 201 of Public Law 90-364);

COMMODITY EXCHANGE AUTHORITY

“Salaries and expenses”, \$65,000;

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

“Expenses, Agricultural Stabilization and Conservation Service”, \$4,108,000 of which \$1,826,000 shall be derived by transfer from “Crop-land adjustment program”, fiscal year 1969, \$1,560,000, from “Crop-land conversion program”, and \$722,000 from the Commodity Credit Corporation Fund; (and release of \$551,000 reserved under “Expenses, Agricultural Stabilization and Conservation Service”, pursuant to section 201 of Public Law 90-364);

RURAL COMMUNITY DEVELOPMENT SERVICE

“Salaries and expenses”, \$18,000; (and release of \$9,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

OFFICE OF THE INSPECTOR GENERAL

“Salaries and expenses”, \$568,000;

PACKERS AND STOCKYARDS ADMINISTRATION

“Salaries and expenses”, \$49,000; (and release of \$64,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

OFFICE OF THE GENERAL COUNSEL

“Salaries and expenses”, \$289,000;

OFFICE OF INFORMATION

“Salaries and expenses”, \$58,000;

NATIONAL AGRICULTURAL LIBRARY

“Salaries and expenses”, \$40,000; (and release of \$35,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

OFFICE OF MANAGEMENT SERVICES

“Salaries and expenses”, \$116,000; (and release of \$9,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

GENERAL ADMINISTRATION

“Salaries and expenses”, \$224,000, of which \$36,000 shall be derived by transfer from “Payments and expenses”, Cooperative State Research Service, (and release of \$30,000 reserved under “Salaries and expenses” pursuant to section 201 of Public Law 90-364);

Post, p. 83.

RURAL ELECTRIFICATION ADMINISTRATION

“Salaries and expenses”, \$624,000; (and release of \$11,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

FARMERS HOME ADMINISTRATION

“Salaries and expenses”, \$2,094,000, of which \$13,000 shall be derived by transfer from the amount reserved under “Salaries and expenses”, Agricultural Research Service pursuant to section 201 of Public Law 90-364, \$158,000 from “Payments and expenses”, Cooperative State Research Service (including \$44,000 from the amount reserved pursuant to said section 201), \$2,000 from the amount reserved under “Cooperative extension work, payments and expenses”, Federal Extension Service pursuant to said section 201, \$150,000 from “Payments to States and possessions”, Consumer and Marketing Service, and \$412,000 from “Cropland adjustment program”, Agricultural Stabilization and Conservation Service; (and release of \$156,000 reserved under “Salaries and expenses”, Farmers Home Administration pursuant to said section 201);

FEDERAL CROP INSURANCE CORPORATION

“Administrative and operating expenses”, \$274,000; (and release of \$97,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

“Salaries and expenses”, \$293,000, of which \$75,000 shall be derived by transfer from “Operations and administration”, Economic Development Assistance;

OFFICE OF BUSINESS ECONOMICS

“Salaries and expenses”, \$75,000, to be derived by transfer from “Operations and administration”, Economic Development Assistance; (and release of \$59,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

BUREAU OF THE CENSUS

“Salaries and expenses”, \$567,000;
“1967 economic censuses”, \$285,000;

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

“Salaries and expenses”, \$206,000; (and release of \$36,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

INTERNATIONAL ACTIVITIES

“Salaries and expenses”, \$200,000; (and release of \$163,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

Post, p. 83.

“Export control”, \$136,000; (and release of \$60,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

OFFICE OF FIELD SERVICES

“Salaries and expenses”, \$142,000; (and release of \$77,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

“Salaries and expenses”, \$3,254,000; (and release of \$786,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

“Research and development”, \$614,000; (and release of \$117,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

PATENT OFFICE

“Salaries and expenses”, \$1,240,000; (and release of \$321,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

NATIONAL BUREAU OF STANDARDS

“Research and technical services”, \$1,100,000;

MARITIME ADMINISTRATION

“Salaries and expenses”, for administrative expenses, \$261,000;

“Maritime training”, \$100,000; (and release of \$99,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

FOREIGN DIRECT INVESTMENT CONTROL

“Salaries and expenses”, \$173,000;

DEPARTMENT OF DEFENSE—MILITARY**MILITARY PERSONNEL**

“Military personnel, Army”, \$265,000,000;

“Military personnel, Navy”, \$170,000,000;

“Military personnel, Marine Corps”, \$45,000,000;

“Military personnel, Air Force”, \$267,600,000;

“National Guard personnel, Army”, \$16,400,000;

OPERATION AND MAINTENANCE

“Operation and maintenance, Army”, \$85,000,000;

“Operation and maintenance, Air Force”, \$73,000,000;

“Operation and maintenance, Defense agencies”, \$32,000,000;

“Court of Military Appeals”, \$18,000;

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

Post, p. 83.

“Operation and maintenance, general”, \$1,731,000, and in addition, \$1,869,000, to be derived by transfer from the amount reserved under “Construction general”, pursuant to section 201 of Public Law 90-364;

“General expenses”, \$1,100,000, to be derived by transfer from the amount reserved under “Construction, general”, pursuant to section 201 of Public Law 90-364.

UNITED STATES SOLDIERS’ HOME

“Operation and maintenance”; (Release of \$181,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

THE PANAMA CANAL

CANAL ZONE GOVERNMENT

“Operating expenses”, \$1,085,000 (and release of \$120,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

PANAMA CANAL COMPANY FUND

“Limitation on general and administrative expenses”, (increase of \$130,000 in the limitation on administrative expenses and release of \$20,000 reserved under this limitation pursuant to section 201 of Public Law 90-364);

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

“Salaries and expenses”, \$1,589,000, to be derived by transfer from “Communicable diseases”, Public Health Service, fiscal year 1969: (and release of \$835,000 reserved under “Salaries and expenses”, Food and Drug Administration pursuant to section 201 of Public Law 90-364):

OFFICE OF EDUCATION

“School assistance in federally affected areas”, \$16,000, to be derived by transfer from “Community mental health resource support”, Public Health Service, fiscal year 1969: (and release of \$12,000 reserved under “School assistance in federally affected areas” pursuant to section 201 of Public Law 90-364);

“Salaries and expenses”, \$694,000, to be derived by transfer from “Community mental health resource support”, Public Health Service, fiscal year 1969: (and release of \$1,123,000 reserved under “Salaries and expenses” pursuant to section 201 of Public Law 90-364);

“Civil rights educational activities”, \$67,000, to be derived by transfer from “Community mental health resource support”, Public Health Service, fiscal year 1969;

PUBLIC HEALTH SERVICE

OFFICE OF THE SURGEON GENERAL

"Salaries and expenses", \$307,000, to be derived by transfer from "Community mental health resource support", Public Health Service, fiscal year 1969: (and release of \$80,000 reserved under "Salaries and expenses" pursuant to section 201 of Public Law 90-364);

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HEALTH MANPOWER

"Health manpower education and utilization"; (release of \$201,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

"Dental health activities"; (release of \$102,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

DISEASE PREVENTION AND ENVIRONMENTAL CONTROL

"Chronic diseases", \$436,000, to be derived by transfer from "Communicable diseases", Public Health Service, fiscal year 1969: (and release of \$130,000 reserved under "Chronic diseases" pursuant to section 201 of Public Law 90-364);

"Air pollution"; (release of \$519,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

"Urban and industrial health"; (Release of \$492,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

"Radiological health", \$407,000, to be derived by transfer from "Community mental health resource support", Public Health Service, fiscal year 1969;

HEALTH SERVICES

"Community health services"; (release of \$590,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

"Patient care and special health services", \$1,993,000, to be derived by transfer from "Communicable diseases", Public Health Service, fiscal year 1969: (and release of \$91,000 reserved under "Patient care and special health services" pursuant to section 201 of Public Law 90-364);

"Hospital construction activities"; (release of \$169,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

"Indian health activities", \$2,640,000, to be derived by transfer from "Communicable diseases", Public Health Service, fiscal year 1969: (and release of \$214,000 reserved under "Indian health activities" pursuant to section 201 of Public Law 90-364);

NATIONAL INSTITUTES OF HEALTH

"Biologics standards"; (Release of \$114,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

"Regional medical programs"; (Release of \$67,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

"Environmental health sciences"; (Release of \$137,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

NATIONAL INSTITUTE OF MENTAL HEALTH

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“Mental health research and services”, \$401,000, to be derived by transfer from “Community mental health resource support”, Public Health Service, fiscal year 1969: (and release of \$801,000 reserved under “Mental health research and services” pursuant to section 201 of Public Law 90-364);

“Saint Elizabeths Hospital, Salaries and expenses”, \$1,984,000, to be derived by transfer from “Community mental health resource support”, Public Health Service, fiscal year 1969;

OTHER PUBLIC HEALTH SERVICE

“National health statistics”; (Release of \$271,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

“National Library of Medicine”; (Release of \$162,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

SOCIAL AND REHABILITATION SERVICE

“Salaries and expenses”, \$1,234,000, to be derived by transfer from “Communicable diseases”, Public Health Service, fiscal year 1969;

SOCIAL SECURITY ADMINISTRATION

“Limitation on salaries and expenses (trust fund)”, (Increase of \$18,147,000 in the limitation on “Salaries and expenses”);

SPECIAL INSTITUTIONS

“Gallaudet College, salaries and expenses”, \$56,000, to be derived by transfer from “Community mental health resource support”, Public Health Service, fiscal year 1969;

“Howard University, salaries and expenses”, \$401,000, to be derived by transfer from “Community mental health resource support”, Public Health Service, fiscal year 1969;

“Freedmen’s Hospital, salaries and expenses”, \$291,000, to be derived by transfer from “Community mental health resource support”, Public Health Service, fiscal year 1969;

OFFICE OF THE SECRETARY

“Salaries and expenses”, \$216,000, to be derived by transfer from “Community mental health resource support”, Public Health Service, fiscal year 1969: (and release of \$232,000 reserved under “Salaries and expenses” pursuant to section 201 of Public Law 90-364);

“Office of Field Coordination, salaries and expenses”, \$215,000, to be derived by transfer from “Community mental health resource support”, Public Health Service, fiscal year 1969;

“Office of the Comptroller, salaries and expenses”; (Release of \$458,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

“Office of Administration, salaries and expenses”, \$233,000, to be derived by transfer from “Community mental health resource support”, Public Health Service, fiscal year 1969: (and release of \$10,000 reserved under “Office of Administration, salaries and expenses” pursuant to section 201 of Public Law 90-364);

“Surplus property utilization”, \$57,000, to be derived by transfer from “Community mental health resource support”, Public Health Service, fiscal year 1969;

“Office of the General Counsel, salaries and expenses”, \$56,000, to be derived by transfer from “Community mental health resource support”, Public Health Service, fiscal year 1969: (and release of \$61,000 reserved under “Office of the General Counsel, salaries and expenses” pursuant to section 201 of Public Law 90-364);

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RENEWAL AND HOUSING ASSISTANCE

“Salaries and expenses”, \$1,407,000; (and release of \$387,000 reserved on account of this appropriation pursuant to section 201 of Public Law 90-364);

METROPOLITAN DEVELOPMENT

“Salaries and expenses”, \$280,000; (and release of \$73,000 reserved on account of this appropriation pursuant to section 201 of Public Law 90-364);

DEMONSTRATIONS AND INTERGOVERNMENTAL RELATIONS

“Salaries and expenses”, \$66,000; and, in addition, \$171,000 (including \$34,000 reserved pursuant to section 201 of Public Law 90-364) to be derived by transfer from “Model cities programs”; (and release of \$15,000 reserved on account of “Salaries and expenses”, Demonstrations and Intergovernmental Relations pursuant to section 201 of Public Law 90-364);

“Urban Research and Technology”, (Release of \$6,000 reserved on account of this appropriation pursuant to section 201 of Public Law 90-364);

DEPARTMENTAL MANAGEMENT

“General administration”, \$230,000; (and release of \$51,000 reserved on account of this appropriation pursuant to section 201 of Public Law 90-364);

“Regional management and services”, \$278,000; (and release of \$80,000 reserved on account of this appropriation pursuant to section 201 of Public Law 90-364);

MORTGAGE CREDIT

“Limitation on administrative and non-administrative expenses, Federal housing administration”; (Increase of \$465,000 in the limitation on administrative expenses and increase of \$1,000,000 in the limitation on non-administrative expenses);

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

“Education and welfare services”, \$2,843,000; (and release of \$415,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

“Construction”, (Release of \$39,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

“Road construction (liquidation of contract authorization)”, (Release of \$38,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

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"General administrative expenses", \$246,000, to be derived by transfer from "Water supply and water pollution control", fiscal year 1969;

"Operation and maintenance, Indian irrigation systems"; (Release of \$117,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

"Power systems, Indian irrigation projects"; (Release of \$39,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

"Indian moneys, proceeds of labor, agencies, schools, etc."; (Release of \$40,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

"Tribal funds"; (Release of \$48,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

BUREAU OF OUTDOOR RECREATION

"Salaries and expenses", \$175,000;

BUREAU OF MINES

"Conservation and development of mineral resources", \$750,000; and \$433,000, to be derived by transfer from "Solid waste disposal";

"Health and safety", \$347,000, to be derived by transfer from "Solid waste disposal";

"General administrative expenses", \$70,000, to be derived by transfer from "Solid waste disposal";

BUREAU OF COMMERCIAL FISHERIES

"Management and investigations of resources", \$628,000; (and release of \$59,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

"Federal aid for commercial fisheries research and development", \$8,000;

"Anadromous and Great Lakes fisheries conservation", \$7,000;

"General administrative expenses", \$45,000;

"Administration of Pribilof Islands", \$20,000;

"Promote and develop fishery products and research pertaining to American fisheries"; (Release of \$10,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

"Limitation on administrative expenses, fisheries loan fund", (Increase of \$13,000 in the limitation on administrative expenses);

BUREAU OF SPORT FISHERIES AND WILDLIFE

"Anadromous and Great Lakes fisheries conservation", \$9,000, which shall be derived by transfer from the amount reserved under "Saline water conversion", fiscal year 1969, pursuant to section 201 of Public Law 90-364;

"General administrative expenses", \$78,000; and in addition \$4,000 to be derived by transfer from the amount reserved under "Operation and maintenance", Southwestern Power Administration, pursuant to section 201 of Public Law 90-364;

NATIONAL PARK SERVICE

"Maintenance and rehabilitation of physical facilities", \$668,000; (and release of \$115,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

"General administrative expenses", \$186,000;

"Preservation of historic properties", \$21,000;

BUREAU OF RECLAMATION

“General investigations”, \$371,000;
“Operation and maintenance”, \$630,000;
“General administrative expenses”, \$450,000;

BONNEVILLE POWER ADMINISTRATION

“Construction”; (Release of \$998,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

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“Operation and maintenance”; (Release of \$643,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

“Construction of electric transmission lines and substations, contributions, Bonneville Power Project”; (Release of \$1,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

OFFICE OF THE SOLICITOR

“Salaries and expenses”, \$298,000;

OFFICE OF THE SECRETARY

“Salaries and expenses”, \$454,000;

OFFICE OF WATER RESOURCES RESEARCH

“Salaries and expenses”, \$31,000;

DEPARTMENT OF JUSTICE**LEGAL ACTIVITIES AND GENERAL ADMINISTRATION**

“Salaries and expenses, Community Relations Service”; (Release of \$88,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

FEDERAL BUREAU OF INVESTIGATION

“Salaries and expenses”, \$9,220,000;

IMMIGRATION AND NATURALIZATION SERVICE

“Salaries and expenses”, \$3,276,000; (and release of \$270,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

“Salaries and expenses”; (Release of \$57,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

DEPARTMENT OF LABOR**MANPOWER ADMINISTRATION**

“Manpower Development and Training Activities”; (Release of \$92,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

“Office of Manpower Administrator, salaries and expenses”; (Release of \$313,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

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“Bureau of Apprenticeship and Training, salaries and expenses”, \$363,000, of which \$213,000 shall be derived by transfer from the amount reserved under “Wage and Hour Division, salaries and expenses”, pursuant to section 201 of Public Law 90-364; \$142,000 by transfer from the amount reserved under “Bureau of Employment Security, salaries and expenses”, pursuant to said section 201, and \$8,000, by transfer from the amount reserved under “Manpower Development and Training Activities”, pursuant to said section 201; (and release of \$50,000 reserved under “Bureau of Apprenticeship and Training, salaries and expenses”, pursuant to said section 201); “Bureau of Employment Security, salaries and expenses”, (Increase of \$865,000 in the amount available for administrative expenses and release of \$125,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

LABOR-MANAGEMENT RELATIONS

“Labor-Management Services Administration, salaries and expenses”, (Release of \$448,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

WAGE AND LABOR STANDARDS

WAGE AND LABOR STANDARDS ADMINISTRATION

“Salaries and expenses”, \$152,000, of which \$100,000 shall be derived by transfer from the amount reserved under “Wage and Hour Division, salaries and expenses”, pursuant to section 201 of Public Law 90-364, and \$52,000 by transfer from the amount reserved under “Labor Management Services Administration, salaries and expenses”, pursuant to section 201; (and release of \$120,000 reserved under “Wage and Labor Standards Administration, salaries and expenses”, pursuant to said section 201);

“Wage and Hour Division, salaries and expenses”; (Release of \$992,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

BUREAU OF LABOR STATISTICS

“Salaries and expenses”, \$180,000, of which \$87,000 shall be derived by transfer from the amount reserved under “Office of the Manpower Administrator, salaries and expenses”, pursuant to section 201 of Public Law 90-364; (and release of \$700,000 reserved under “Bureau of Labor Statistics, salaries and expenses”, pursuant to said section 201);

BUREAU OF INTERNATIONAL LABOR AFFAIRS

“Salaries and expenses”, \$14,000, to be derived by transfer from the amount reserved under “Wage and Hour Division, salaries and expenses”, pursuant to section 201 of Public Law 90-364; (and release of \$60,000 reserved under “Bureau of International Labor Affairs, salaries and expenses”, pursuant to said section 201);

OFFICE OF THE SOLICITOR

“Salaries and expenses”, \$21,000, to be derived by transfer from the amount reserved under “Wage and Hour Division, salaries and expenses”, pursuant to section 201 of Public Law 90-364; (and release of \$200,000 reserved under “Office of the Solicitor, salaries and expenses”, pursuant to said section 201);

OFFICE OF THE SECRETARY

“Salaries and expenses”, \$121,000, to be derived by transfer from the amount reserved under “Wage and Hour Division, salaries and expenses”, pursuant to section 201 of Public Law 90-364; (and release of \$110,000 reserved under “Office of the Secretary, salaries and expenses”, pursuant to said section 201);

“Federal contract compliance and civil rights program,” \$39,000, to be derived by transfer from the amount reserved under “Wage and Hour Division, salaries and expenses”, pursuant to section 201 of Public Law 90-364; (and release of \$3,000 reserved under “Federal Contract Compliance and Civil Rights Program”, pursuant to said section 201);

POST OFFICE DEPARTMENT**(OUT OF POSTAL FUND)**

“Administration and regional operations”; (Release of \$2,107,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

“Research, development, and engineering”, \$500,000;

“Operations”, \$195,071,000, and, in addition, \$62,000,000 to be derived by transfer from “Transportation”, fiscal year 1969;

DEPARTMENT OF STATE**ADMINISTRATION OF FOREIGN AFFAIRS**

“Salaries and expenses”, \$6,787,000, and, in addition, \$750,000 to be derived by transfer from “Chamizal settlement”, International Boundary and Water Commission, United States and Mexico, and \$83,000 from “Rama Road, Nicaragua”;

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

“Missions to international organizations”, \$153,000;

INTERNATIONAL COMMISSIONS

International Boundary and Water Commission, United States and Mexico:

“Salaries and expenses”, \$43,000;

“Operation and maintenance”, \$29,000;

“American sections, international commissions”, \$19,000;

EDUCATIONAL EXCHANGE

“Mutual educational and cultural exchange activities”, \$425,000;

OTHER

“Migration and refugee assistance”, \$26,000;

DEPARTMENT OF TRANSPORTATION**OFFICE OF THE SECRETARY**

“Salaries and expenses”, \$100,000;

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COAST GUARD

“Operating expenses”, \$9,500,000; (and release of \$82,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

“Acquisition, construction and improvements”; (Release of \$51,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

“Reserve training”, \$900,000; (and release of \$40,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

FEDERAL AVIATION ADMINISTRATION

“Operations”, \$30,400,000;

“Operation and maintenance, National Capital airports”, \$220,000;

FEDERAL HIGHWAY ADMINISTRATION

“Highway beautification”, \$64,000;

“Motor carrier safety”, \$68,000; (and release of \$22,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

HIGHWAY TRUST FUND

“Limitation on general expenses”, (increase of \$875,000 in the limitation on administrative expenses; and release of \$641,000 reserved under this limitation pursuant to section 201 of Public Law 90-364);

FEDERAL RAILROAD ADMINISTRATION

“Salaries and expenses”; (release of \$35,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

“Bureau of railroad safety”, \$90,000; (and release of \$83,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

“Salaries and expenses”, \$257,000; (and release of \$134,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

BUREAU OF CUSTOMS

“Salaries and expenses”, \$2,637,000; (and release of \$1,550,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

BUREAU OF THE MINT

“Salaries and expenses”, \$500,000;

INTERNAL REVENUE SERVICE

“Salaries and expenses”, \$425,000; (and release of \$564,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

“Revenue accounting and processing”, \$4,500,000;

“Compliance”, \$2,800,000; (and release of \$20,360,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

OFFICE OF THE TREASURER

“Salaries and expenses”, \$167,000; (and release of \$85,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

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UNITED STATES SECRET SERVICE

“Salaries and expenses”, \$1,338,000;

GENERAL SERVICES ADMINISTRATION

“Operating expenses, Public Buildings Service”, \$3,671,000; (and release of \$677,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

“Operating expenses, National Archives and Records Service”, \$300,000; (and release of \$95,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

“Operating expenses, Transportation and Communications Service”; (Release of \$5,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

“Operating expenses, Property Management and Disposal Service”; (Release of \$38,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

“Salaries and expenses, Office of Administrator”, \$119,000;

“Administrative operations fund”; (Release of \$107,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

VETERANS ADMINISTRATION

“Medical and prosthetic research”, \$1,168,000; (and release of \$362,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

“Medical administration and miscellaneous operating expenses”, \$589,000;

OTHER INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

“Salaries and expenses”, \$33,000;

ARMS CONTROL AND DISARMAMENT AGENCY

“Arms control and disarmament activities”, (Release of \$15,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

CIVIL AERONAUTICS BOARD

“Salaries and expenses”, \$500,000;

CIVIL SERVICE COMMISSION

“Salaries and expenses”, \$1,364,000; (and release of \$89,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

“Salaries and expenses”, \$370,000;

FARM CREDIT ADMINISTRATION

“Limitation on administrative expenses”, (increase of \$97,000 in the limitation on administrative expenses);

FEDERAL COMMUNICATIONS COMMISSION

“Salaries and expenses”, \$970,000; (and release of \$16,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

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FEDERAL HOME LOAN BANK BOARD

“Limitation on administrative and nonadministrative expenses”, (Increase of \$115,000 in the limitation on administrative expenses and release of \$102,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

“Limitation on administrative expenses, Federal Savings and Loan Insurance Corporation”, (Release of \$4,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

FEDERAL MARITIME COMMISSION

“Salaries and expenses”, \$90,000; (and release of \$76,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

FEDERAL MEDIATION AND CONCILIATION SERVICE

“Salaries and expenses”, \$125,000; (and release of \$8,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

FEDERAL POWER COMMISSION

“Salaries and expenses”, \$778,000;

FOREIGN CLAIMS SETTLEMENT COMMISSION

“Salaries and expenses”, \$41,000;

INTERSTATE COMMERCE COMMISSION

“Salaries and expenses”, \$818,000; (and release of \$382,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

NATIONAL CAPITAL PLANNING COMMISSION

“Salaries and expenses”, \$30,000; (and release of \$20,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

NATIONAL COMMISSION ON PRODUCT SAFETY

“Salaries and expenses”, \$25,000;

NATIONAL LABOR RELATIONS BOARD

“Salaries and expenses”, \$400,000; (and release of \$848,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

RAILROAD RETIREMENT BOARD

“Limitation on salaries and expenses”, (Increase of \$516,000 in the limitation on administrative expenses);

RENEGOTIATION BOARD

“Salaries and expenses”, \$140,000;

SECURITIES AND EXCHANGE COMMISSION

“Salaries and expenses”, \$594,000; (and release of \$299,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

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SMALL BUSINESS ADMINISTRATION

“Salaries and expenses”, \$200,000; (and release of \$265,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

SMITHSONIAN INSTITUTION

“Salaries and expenses”, \$695,000; (and release of \$125,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

“Salaries and expenses, National Gallery of Art”, \$30,000; (and release of \$23,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

TARIFF COMMISSION

“Salaries and expenses”, (release of \$53,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

TAX COURT OF THE UNITED STATES

“Salaries and expenses”, \$86,000; (and release of \$77,000 reserved under this appropriation pursuant to section 201 of Public Law 90-364);

UNITED STATES INFORMATION AGENCY

“Salaries and expenses”, \$3,500,000;

DISTRICT OF COLUMBIA**(OUT OF DISTRICT OF COLUMBIA FUNDS)**

“Parks and recreation”, \$322,000;

“Health and welfare”, \$2,437,000;

“Highways and traffic”, \$163,000, of which \$140,000 shall be payable from the highway fund;

“Sanitary engineering”, \$227,000, of which \$99,000 shall be payable from the water fund, \$64,000 from the sanitary sewage works fund, and \$1,000 from the metropolitan area sanitary sewage works fund;

“Personal services, wage-board employees”, \$3,179,000, of which \$200,300 shall be payable from the highway fund, \$184,000 from the water fund, \$169,000 from the sanitary sewage works fund, and \$2,000 from the metropolitan area sanitary sewage works fund.

DIVISION OF EXPENSES

The sums appropriated in this title for the District of Columbia shall, unless otherwise specifically provided for, be paid out of the general fund of the District of Columbia.

TITLE IV

LIMITATION ON FISCAL YEAR 1970 BUDGET OUTLAYS

SEC. 401. (a) Expenditures and net lending (budget outlays) of the Federal Government during the fiscal year ending June 30, 1970, shall not exceed \$191,900,000,000: *Provided*, That whenever action, or inaction, by the Congress on requests for appropriations and other budgetary proposals varies from the President's recommendations reflected in the "Review of the 1970 Budget" appearing on pages E2993–2996 of the Congressional Record of April 16, 1969, the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect of such action or inaction on expenditures and net lending (budget outlays), and the limitation set forth herein shall be correspondingly adjusted: *Provided further*, That the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect on expenditures and net lending (budget outlays) of other actions by the Congress (whether initiated by the President or the Congress) and the limitation set forth herein shall be correspondingly adjusted: *Provided further*, That net congressional actions or inactions affecting expenditures and net lending reflected in the "Review of the 1970 Budget" shall not serve to reduce the foregoing limitation of \$191,900,000,000 unless and until such actions or inactions result in a net reduction of \$1,000,000,000 below total expenditures and net lending estimated for 1970 in the "Review of the 1970 Budget".

(b) (1) In the event the President shall estimate and determine that expenditures and net lending (budget outlays) during the fiscal year 1970 for the following items (the expenditures for which arise under appropriations or other authority not requiring annual action by the Congress) appearing on page 16 of the budget for such fiscal year (H. Doc. 91-15, part 1, Ninety-first Congress), namely:

- (i) items designated "Social security, Medicare, and other social insurance trust funds";
- (ii) the appropriation "National service life insurance (trust fund)" included in the items designated "Veterans pensions, compensation, and insurance";
- (iii) the item "Interest"; and
- (iv) the item "Farm price supports (Commodity Credit Corporation)"

will exceed the estimates included for such items in the "Review of the 1970 Budget" referred to in subsection (a) hereof, the President may, after notification in writing to the Congress stating his reasons therefor, adjust accordingly the amount of the overall limitation provided in subsection (a).

(2) In the event the President shall estimate and determine that receipts (credited against expenditures and net lending) during the fiscal year 1970 derived from:

- (i) sales of financial assets of programs administered by the Farmers Home Administration, Export-Import Bank, agencies of the Department of Housing and Urban Development, the Veterans' Administration, and the Small Business Administration; and

(ii) leases of lands on the Outer Continental Shelf will be less than the estimates included for such items in the "Review of the 1970 Budget" referred to in subsection (a) hereof, the President may, after notification in writing to the Congress stating his reasons therefor, adjust accordingly the amount of the overall limitation provided in subsection (a).

Reports to
President and
Congress.

Notifications
to Congress.

(3) The aggregate amount of the adjustments made pursuant to paragraphs (1) and (2) of this subsection shall not exceed \$2,000,000,000.

(c) The Director of the Bureau of the Budget shall report periodically to the President and to the Congress on the operation of this section. The first such report shall be made at the end of the first month which begins after the date of approval of this Act; subsequent reports shall be made at the end of each calendar month during the first session of the Ninety-first Congress, and at the end of each calendar quarter thereafter.

Reports to
President and
Congress.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Except where specifically increased or decreased elsewhere in this Act, the restrictions contained within appropriations, or provisions affecting appropriations or other funds, available during the fiscal year 1969, limiting the amounts which may be expended for personal services, or for purposes involving personal services, or amounts which may be transferred between appropriations or authorizations available for or involving such services, are hereby increased to the extent necessary to meet increased pay costs authorized by or pursuant to law.

Personal service
expenditures,
increase.

SEC. 503. Section 201 of the Revenue and Expenditure Control Act of 1968 (Public Law 90-364, approved June 28, 1968), is hereby repealed.

Repeal.
82 Stat. 270.
5 USC 3101 note.

SEC. 504. Funds appropriated, or otherwise made available, by this Act for the fiscal year 1969, shall remain available for obligation until July 1, 1969, or for five days after the date of approval of this Act, whichever is later; unless a longer period is specifically provided: *Provided*, That all obligations incurred in anticipation of such appropriations and authority for the fiscal year 1969 as well as those for longer periods as set forth herein are hereby ratified and confirmed if in accordance with the terms hereof.

Approved July 22, 1969.

Public Law 91-48

AN ACT

To provide for the striking of medals in commemoration of the fiftieth anniversary of the United States Diplomatic Courier Service.

July 22, 1969
[H. R. 7215]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the fiftieth anniversary of the United States Diplomatic Courier Service, the Secretary of the Treasury (hereinafter referred to as the "Secretary") is authorized and directed to strike bronze medals of a suitable size, and with suitable emblems, devices, and inscriptions to be determined solely by the Secretary.

U.S. Diplomatic
Courier Service.
50th anniver-
sary medals.

SEC. 2. The Secretary shall cause such medals to be struck and sold by the mint, as a list medal, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses.

Approved July 22, 1969.

Public Law 91-49

July 22, 1969
[H. R. 4153]

AN ACT

To authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

Coast Guard.
Appropriation
authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated for fiscal year 1970 for the use of the Coast Guard as follows:

VESSELS

For procurement, increasing capability and extension of service life of vessels, \$55,584,000.

A. Procurement:

- (1) three high endurance cutters;
- (2) one coastal buoy tender;
- (3) vessel design.

None of the vessels authorized herein shall be procured from other than shipyards and facilities within the United States.

B. Increasing capability:

- (1) modify balloon tracking radar for high endurance cutters to improve target acquisition;
- (2) install tactical navigational equipment on two high endurance cutters;
- (3) increase fuel capacity and improve habitability on three hundred and twenty-seven foot high endurance cutters;
- (4) modernize and improve selected buoy tenders.

C. Extension of service life:

- (1) Re-engine two ferryboats.

AIRCRAFT

For procurement and extension of service life of aircraft, \$17,188,000.

A. Procurement:

- (1) nine medium range helicopters.

B. Extension of service life:

- (1) replace center wing box beam of six HC-130 aircraft.

CONSTRUCTION

For establishment or development of installations and facilities by acquisition, construction, conversion, extension, or installation of permanent or temporary public works, including the preparation of sites and furnishing of appurtenances, utilities, and equipment for the following, \$57,378,000.

- (1) San Francisco, California : radio station;
- (2) Air station, Brooklyn, New York : barracks, messing;
- (3) Station, Scituate, Massachusetts : improve facilities;
- (4) Base, Boston, Massachusetts : improve facilities;
- (5) Station, Barnegat, New Jersey : improve facilities;
- (6) New London, Connecticut : relocate and consolidate facilities;

- (7) Base, Portsmouth, Virginia: relocate and consolidate facilities;
- (8) Base, San Francisco (Yerba Buena Island), California: improve facilities;
- (9) Base, San Juan, Puerto Rico: improve facilities;
- (10) Station, Grays Harbor, Westport, Washington: improve facilities;
- (11) Station, Neah Bay, Washington: improve facilities;
- (12) Loran Station, French Frigate Shoals, Hawaii: bulkhead;
- (13) Air Station, Saint Petersburg, Florida: helicopter support facilities;
- (14) Air Station, Barbers Point, Hawaii: improve facilities;
- (15) Base, Mayport, Florida: improve facilities;
- (16) Station, Cape May, New Jersey: shop building;
- (17) Yard, Curtis Bay, Maryland: consolidate and modify buildings, and recondition gantry cranes;
- (18) Various locations: sewage and oil collection; fuel and water catchment systems;
- (19) Cape Charles City, Virginia: establish Station;
- (20) Houston, Texas: permanent Station;
- (21) Channel Islands Harbor, California: multipurpose Station;
- (22) Kodiak, Alaska: moorings;
- (23) Various locations: automatic fixed station oceanographic sensor systems;
- (24) Lower Mississippi River, Kentucky and Tennessee: improve facilities for performance of buoyage function;
- (25) Offshore structure, Portland, Maine: structure to replace lightship;
- (26) Various locations: automate light stations;
- (27) Various locations: miscellaneous urgent and selected aids to navigation projects;
- (28) Academy, New London, Connecticut: library center;
- (29) Academy, New London, Connecticut: cadet barracks extension;
- (30) Training Center, Alameda, California: enlisted barracks;
- (31) Training Center, Yorktown, Virginia: fire station, operations, and medical-dental buildings;
- (32) Base, Governor's Island, New York: reserve training center building;
- (33) Air Station, Mobile, Alabama: synthetic flight training system;
- (34) Various locations: public family quarters; and
- (35) Various locations: advance planning, survey, design, and architectural services; and acquire sites in connection with projects not otherwise authorized by law.

BRIDGE ALTERATIONS

For payment to bridge owners for the cost of alteration of railroad and public highway bridges to permit free navigation of the navigable waters of the United States, \$12,650,000.

Approved July 22, 1969.

Public Law 91-50

August 2, 1969
[H. R. 13079]

Interest equalization tax.
Extension.
81 Stat. 145;
Post, pp. 105,
261.
26 USC 4911.

AN ACT
To continue for a temporary period the existing interest equalization tax.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective with respect to acquisitions made after July 31, 1969, section 4911(d) of the Internal Revenue Code of 1954 (relating to termination of interest equalization tax) is amended by striking out "July 31, 1969" and inserting in lieu thereof "August 31, 1969".

Approved August 2, 1969.

Public Law 91-51

August 4, 1969
[S. 1590]

National Commission on Product Safety.
Extension.
15 USC 1262 note.

AN ACT
To amend the National Commission on Product Safety Act in order to extend the life of the Commission so that it may complete its assigned tasks.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(c) of the National Commission on Product Safety Act (Public Law 90-146; 81 Stat. 466) is amended by striking out "two years from the date of approval of this Joint Resolution" and inserting in lieu thereof the words "June 30, 1970".

Approved August 4, 1969.

Public Law 91-52

August 4, 1969
[S. 38]

Upper Niobrara River Compact.
Wyo.-Nebr.
Consent of Congress.

AN ACT
To consent to the upper Niobrara River compact between the States of Wyoming and Nebraska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is given to the upper Niobrara River compact between the States of Wyoming and Nebraska. Such compact reads as follows:

"UPPER NIOBRARA RIVER COMPACT"

"The State of Wyoming, and the State of Nebraska, parties signatory to this compact (hereinafter referred to as Wyoming and Nebraska, respectively, or individually as a 'State', or collectively as 'States'), having resolved to conclude a compact with respect to the use of waters of the Niobrara River Basin, and being duly authorized by Act of Congress of the United States of America, approved August 5, 1958 (Public Law 191, 83rd Congress, 1st Session, Chapter 324, 67 Stat. 365) and the Act of May 29, 1958 (Public Law 85-427, 85th Congress, S. 2557, 72 Stat. 147) and the Act of August 30, 1961 (Public Law 87-181, 87th Congress, S. 2245, 75 Stat. 412) and pursuant to the Acts of their respective Legislatures have, through their respective Governors, appointed as their Commissioners: For Wyoming, Earl Lloyd, Andrew McMaster, Richard Pfister, John Christian, Eugene P. Willson, H. T. Person, Norman B. Gray, E. J. Van Camp: For Nebraska, Dan S. Jones, Jr., who after negotiations participated in by W. E. Blomgren appointed by the President of the United States of America, have agreed upon the following articles:

“ARTICLE I.

“A. The major purposes of this compact are to provide for an equitable division or apportionment of the available surface water supply of the Upper Niobrara River Basin between the States; to provide for obtaining information on groundwater and underground water flow necessary for apportioning the underground flow by supplement to this compact; to remove all causes, present and future which might lead to controversies; and to promote interstate comity.

“B. The physical and other conditions peculiar to the Upper Niobrara River Basin constitute the basis for this compact; and neither of the States hereby concedes that this compact establishes any general principle or precedent with respect to any other interstate stream.

“C. Either State and all others using, claiming or in any other manner asserting any right to the use of the waters of the Niobrara River Basin under the authority of that State, shall be subject to the terms of this compact.

“ARTICLE II.

“A. The term ‘Upper Niobrara River’ shall mean and include the Niobrara River and its tributaries in Nebraska and Wyoming west of Range 55 West of the 6th P.M.

“B. The term ‘Upper Niobrara River Basin’ or the term ‘Basin’ shall mean that area in Wyoming and Nebraska which is naturally drained by the Niobrara River west of Range 55 West of the 6th P.M.

“C. Where the name of a State or the term ‘State’ or ‘States’ is used, they shall be construed to include any person or entity of any nature whatsoever using, claiming, or in any manner asserting any right to the use of the waters of the Niobrara River under the authority of that State.

“ARTICLE III.

“It shall be the duty of the two States to administer this compact through the official in each State who is now or may hereafter be charged with the duty of administering the public water supplies, and to collect and correlate through such officials the data necessary for the proper administration of the provisions of this compact. Such officials may, by unanimous action, adopt rules and regulations consistent with the provisions of this compact.

“The States agree that the United States Geological Survey, or whatever Federal agency may succeed to the functions and duties of that agency, insofar as this compact is concerned, may collaborate with the officials of the States charged with the administration of this compact in the execution of the duty of such officials in the collection, correlation, and publication of information necessary for the proper administration of this compact.

“ARTICLE IV.

“Each State shall itself or in conjunction with other responsible agencies cause to be established, maintained, and operated such suitable water gaging stations as are found necessary to administer this compact.

“ARTICLE V.

“A. Wyoming and Nebraska agree that the division of surface waters of the Upper Niobrara River shall be in accordance with the following provisions.

“1. There shall be no restrictions on the use of the surface waters of the Upper Niobrara River by Wyoming except as would be imposed under Wyoming law and the following limitations:

“(a) No reservoir constructed after August 1, 1957, and used solely for domestic and stock water purposes shall exceed 20 acre-feet in capacity.

“(b) Storage reservoirs with priority dates after August 1, 1957, and storing water from the main stem of the Niobrara River east of Range 62 West of the 6th P.M. and from the main stem of Van Tassel Creek south of Section 27, Township 32 North, Range 60 West of the 6th P.M. shall not store in any water year (October 1 of one year to September 30 of the next year) more than a total of 500 acre-feet of water.

“(c) Storage in reservoirs with priority dates prior to August 1, 1957, and storing water from the main stem of the Niobrara River east of Range 62 West and from the main stem of Van Tassel Creek south of Section 27, Township 32 North, shall be made only during the period October 1 of one year to June 1 of the next year and at such times during the period June 1 to September 30 that the water is not required to meet the legal requirements by direct flow appropriations in Wyoming and in Nebraska west of Range 55 West. Where water is pumped from such storage reservoirs, the quantity of storage water pumped or otherwise diverted for irrigation purposes or other beneficial purposes from any such reservoir in any water year shall be limited to the capacity of such reservoir as shown by the records of the Wyoming State Engineer's Office, unless additional storage water becomes available during the period June 1 to September 30 after meeting the legal diversion requirements by direct flow appropriations in Wyoming and in Nebraska west of Range 55 West.

“(d) Storage in reservoirs with priority dates after August 1, 1957, and storing water from the main stem of the Niobrara River east of Range 62 West and the main stem of Van Tassel Creek south of Section 27, Township 32 North, shall be made only during the period October 1 of one year to May 1 of the next year and at such times during the period May 1, and September 30 that the water is not required for direct diversion by ditches in Wyoming and in Nebraska west of Range 55 West.

“(e) Direct flow rights with priority dates after August 1, 1957, on the main stem of the Niobrara River east of Range 62 West and Van Tassel Creek south of Section 27, Township 32 North, shall be regulated on priority basis with Nebraska rights west of Range 55 West, provided, that any direct flow rights for a maximum of 143 acres which may be granted by the Wyoming State Engineer with a priority date not later than July 1, 1961, for lands which had Territorial Rights under the Van Tassel No. 4 Ditch with a priority date of April 8, 1882, and the Van Tassel No. 5 Ditch with a priority date of April 18, 1882, shall be exempt from the provisions of this subsection (e).

“(f) All direct flow diversions from the main stem of the Niobrara River east of Range 62 West and from Van Tassel Creek south of Section 27, Township 32 North shall at all times be limited to their diversion rates as specified by Wyoming law, and provided that Wyoming laws relating to diversion of ‘Surplus Water’ (Wyoming Statutes, 1957, Sections 41-181 to 41-188 inclusive) shall apply only when the water flowing in the main channel of the Niobrara River west of Range 55 West is in excess of the legal diversion requirements of Nebraska ditches having priority dates before August 1, 1957.

“ARTICLE VI.

“A. Nebraska and Wyoming recognize that the future use of ground water for irrigation in the Niobrara River Basin may be a factor in the depletion of the surface flows of the Niobrara River, and since the data now available are inadequate to make a determination in regard to this matter, any apportionment of the ground water of the Niobrara River Basin should be delayed until such time as adequate data on ground water of the basin are available.

“B. To obtain data on ground water, Nebraska and Wyoming, with the cooperation and advice of the United States Geological Survey, Groundwater Branch, shall undertake ground water investigations in the Niobrara River Basin in the area of the Wyoming-Nebraska State line. The investigations shall be such as are agreed to by the State Engineer of Wyoming and the Director of Water Resources of Nebraska, and may include such observation wells as the said two officials agree are essential for the investigations. Costs of the investigations may be financed under the cooperative ground water programs between the United States Geological Survey and the States, and the States' share of the costs shall be borne equally by the two States.

“C. The ground water investigations shall begin within one year after the effective date of this compact. Upon collection of not more than twelve months of ground water data Nebraska and Wyoming with the cooperation of the United States Geological Survey, shall make, or cause to be made, an analysis of such data to determine the desirability or necessity of apportioning the ground water by supplement to this compact. If, upon completion of the initial analysis, it is determined that apportionment of the ground water is not then desirable or necessary, reanalysis shall be made at not to exceed two-year intervals, using all data collected until such apportionment is made.

“D. When the results of the ground water investigations indicate that apportionment of ground water of the Niobrara River Basin is desirable, the two States shall proceed to negotiate a supplement to this compact apportioning the ground water of the Basin.

“E. Any proposed supplement to this compact apportioning the ground water shall not become effective until ratified by the legislatures of the two States and approved by the Congress of the United States.

“ARTICLE VII.

“The provisions of this compact shall remain in full force and effect until amended by action of the Legislatures of the Signatory States and until such amendment is consented to and approved by the Congress of the United States in the same manner as this compact is required to be ratified and consented to in order to become effective.

“ARTICLE VIII.

“Nothing in this compact shall be construed to limit or prevent either State from instituting or maintaining any action or proceeding, legal or equitable, in any court of competent jurisdiction for the protection of any right under this compact or the enforcement of any of its provisions.

“ARTICLE IX.

“Nothing in this compact shall be deemed:

“A. To impair or affect any rights or powers of the United States, its agencies, or instrumentalities, in and to the use of the waters of the Upper Niobrara River Basin nor its capacity to acquire rights in and to the use of said waters; provided that, any beneficial uses of the waters allocated by this compact hereafter made within a State by the United States, or those acting by or under its authority, shall be taken into account in determining the extent of use within that State.

“B. To subject any property of the United States, its agencies, or instrumentalities to taxation by either State or subdivision thereof, nor to create an obligation on the part of the United States, its agencies, or instrumentalities, by reason of the acquisition, construction, or operation of any property or works of whatsoever kind, to make any payment to any State or political subdivision thereof, State agency, municipality, or entity whatsoever in reimbursement for the loss of taxes.

“C. To subject any property of the United States, its agencies, or instrumentalities, to the laws of any State to an extent other than the extent to which these laws would apply without regard to the compact.

“D. To affect the obligations of the United States of America to Indians or Indian tribes, or any right owned or held by or for Indians or Indian tribes which is subject to the jurisdiction of the United States.

“ARTICLE X.

“Should a court of competent jurisdiction hold any part of this compact contrary to the constitution of any State or of the United States, all other severable provisions shall continue in full force and effect.

“ARTICLE XI.

“This compact shall become effective when ratified by the Legislatures of each of the signatory States and by the Congress of the United States.

“IN WITNESS WHEREOF, the Commissioners have signed this compact in triplicate original, one of which shall be filed in the archives of the United States of America and shall be deemed the authoritative original, and one copy of which shall be forwarded to the Governor of each of the signatory States.

“Done at the city of Cheyenne, in the State of Wyoming, this 26th day of October, in the year of our Lord, One Thousand and Nine Hundred Sixty Two 1962.

Commissioner for the State of Nebraska

s/Dan S. Jones, Jr.

Commissioners for the State of Wyoming

s/Earl Lloyd

s/Andrew McMaster

s/Richard Pfister

s/John Christian

s/Eugene P. Wilson

s/H. T. Person

s/Norman B. Gray

s/E. J. Van Camp

“I have participated in the negotiation of this compact and intend to report favorably thereon to the Congress of the United States.

s/W. E. Blomgren

Representative of the United States of America”.

SEC. 2. The right to alter, amend, or repeal this Act is reserved.

SEC. 3. Nothing in this Act shall be deemed to impair or affect any rights or powers of the United States, its agencies, instrumentalities, permittees, or licensees in, over, and to the use of the waters of the Upper Niobrara River Basin; nor to impair or affect their capacity to acquire rights in and to the use of said waters.

Approved August 4, 1969.

Public Law 91-53

AN ACT

To provide for the collection of the Federal unemployment tax in quarterly installments during each taxable year; to make status of employer depend on employment during preceding as well as current taxable year; to exclude from the computation of the excess the balance in the employment security administration account as of the close of fiscal years 1970 through 1972; to raise the limitation on the amount authorized to be made available for expenditure out of the employment security administration account by the amounts so excluded; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3306(a) of the Internal Revenue Code of 1954 (relating to definition of employer) is amended to read as follows:

“(a) **EMPLOYER.**—For purposes of this chapter, the term ‘employer’ does not include any person unless on each of some 20 days during the taxable year or during the preceding taxable year, each day being in a different calendar week, the total number of individuals who were employed by him in employment for some portion of the day (whether or not at the same moment of time) was 4 or more.”

SEC. 2. COLLECTION OF FEDERAL UNEMPLOYMENT TAX ON QUARTERLY OR OTHER TIME PERIOD BASIS.

(a) **QUARTERLY PAYMENT OF FEDERAL UNEMPLOYMENT TAX.**—Subchapter A of chapter 62 of the Internal Revenue Code of 1954 (relating to place and due date for payment of tax) is amended by striking out section 6157 and by inserting in lieu thereof the following:

“SEC. 6157. PAYMENT OF FEDERAL UNEMPLOYMENT TAX ON QUARTERLY OR OTHER TIME PERIOD BASIS.

“(a) **GENERAL RULE.**—Every person who for the calendar year is an employer (as defined in section 3306(a)) shall—

“(1) if the person in the preceding calendar year employed 4 or more employees in employment (within the meaning of section 3306 (c) and (d)) on each of some 20 days during such preceding calendar year, each such day being in a different calendar week, compute the tax imposed by section 3301 for each of the first three calendar quarters in the calendar year, and

“(2) if paragraph (1) does not apply, compute the tax imposed by section 3301—

“(A) for the period beginning with the first day of the calendar year and ending with the last day of the calendar quarter (excluding the last calendar quarter) in which such person becomes such an employer, and

“(B) for the third calendar quarter of such year, if the period specified in subparagraph (A) includes only the first two calendar quarters of the calendar year.

August 7, 1969
[H. R. 9951]

Federal
unemployment
tax; employment
security; tax
surcharge.
68A Stat. 447.
26 USC 3306.

26 USC 6151-
6157.

77 Stat. 51.

The tax for any calendar quarter or other period shall be computed as provided in subsection (b) and the tax as so computed shall, except as otherwise provided in subsections (c) and (d), be paid in such manner and at such time as may be provided in regulations prescribed by the Secretary or his delegate.

"(b) COMPUTATION OF TAX.—The tax for any calendar quarter or other period referred to in paragraph (1) or (2) of subsection (a) shall be computed by multiplying the amount of wages (as defined in section 3306(b)) paid in such calendar quarter or other period by the number of percentage points (including fractional points) by which the rate of tax specified in section 3301 exceeds 2.7 percent.

"(c) SPECIAL RULE FOR CALENDAR YEARS 1970 AND 1971.—For purposes of subsection (a), the tax computed as provided in subsection (b) for any calendar quarter or other period shall be reduced (1) by 66½ percent if such quarter or period is in 1970, and (2) by 33½ percent if such quarter or period is in 1971.

"(d) SPECIAL RULE WHERE ACCUMULATED AMOUNT DOES NOT EXCEED \$100.—Nothing in this section shall require the payment of tax with respect to any calendar quarter or other period if the tax under section 3301 for such period, plus any unpaid amounts for prior periods in the calendar year, does not exceed \$100."

(b) ASSESSMENT AUTHORITY.—Section 6201(b) of such Code (relating to assessment authority) is amended to read as follows:

"(b) AMOUNT NOT TO BE ASSESSED.—

"(1) ESTIMATED INCOME TAX.—No unpaid amount of estimated tax under section 6153 or 6154 shall be assessed.

"(2) FEDERAL UNEMPLOYMENT TAX.—No unpaid amount of Federal unemployment tax for any calendar quarter or other period of a calendar year, computed as provided in section 6157, shall be assessed."

(c) TREATMENT OF QUARTERLY PAYMENT OF FEDERAL UNEMPLOYMENT TAX.—Subchapter B of chapter 64 of such Code is amended by adding at the end thereof the following new section:

"SEC. 6317. PAYMENTS OF FEDERAL UNEMPLOYMENT TAX FOR CALENDAR QUARTER.

"Payment of Federal unemployment tax for a calendar quarter or other period within a calendar year pursuant to section 6157 shall be considered payment on account of the tax imposed by chapter 23 of such calendar year."

(d) TIME TAX CONSIDERED PAID.—Section 6513 of such Code (relating to time return deemed filed and tax considered paid) is amended by adding at the end thereof the following new subsection:

"(e) PAYMENTS OF FEDERAL UNEMPLOYMENT TAX.—Notwithstanding subsection (a), for purposes of section 6511 any payment of tax imposed by chapter 23 which, pursuant to section 6157, is made for a calendar quarter or other period within a calendar year shall, if made before the last day prescribed for filing the return for the calendar year (determined without regard to any extension of time for filing), be considered made on such last day."

(e) INTEREST ON UNDERPAYMENTS OR NONPAYMENT OF TAX.—Section 6601 of such Code (relating to interest on underpayment or nonpayment of tax) is amended by redesignating subsection (k) as subsection (l) and by adding a new subsection (k) to read as follows:

"(k) EXCEPTION AS TO FEDERAL UNEMPLOYMENT TAX.—This section shall not apply to any failure to make a payment of tax imposed by section 3301 for a calendar quarter or other period within a taxable year required under authority of section 6157."

68A Stat. 439;
77 Stat. 51.
26 USC 3301.

68A Stat. 768.

82 Stat. 260.

Ante, p. 91.

26 USC 6311-
6316.

26 USC 3301-
3309.

26 USC 6513.

26 USC 6511.

80 Stat. 104.

(f) TECHNICAL AND CLERICAL AMENDMENTS.—

(1) The table of sections for subchapter A of chapter 62 of the Internal Revenue Code of 1954 is amended by striking out

26 USC 6151-
6157.

“Sec. 6157. Payment of taxes under provisions of the Tariff Act.”
and inserting in lieu thereof

“Sec. 6157. Payment of Federal unemployment tax on quarterly or other time period basis.”

(2) The table of sections for subchapter B of chapter 64 of such Code is amended by adding at the end thereof the following:

“Sec. 6317. Payments of Federal unemployment tax for calendar quarter.”

SEC. 3. EMPLOYMENT SECURITY ADMINISTRATION ACCOUNT.

(a) Paragraph (3) of section 901(c) of the Social Security Act is amended to read as follows:

77 Stat. 51.
42 USC 1101.

“(3) For purposes of paragraph (1)(A), the limitation on the amount authorized to be made available for any fiscal year is an amount equal to 95 percent of the amount estimated and set forth in the budget of the United States Government for such fiscal year as the net receipts during such year under the Federal Unemployment Tax Act; except that this limitation is increased by any unexpended amount retained in the employment security administration account in accordance with section 901(f)(2)(B). Each estimate of net receipts under this paragraph shall be based upon a tax rate of 0.4 percent.”

68A Stat. 439.
26 USC 3301-
3309.
Infra.

(b) Paragraph (2) of section 901(f) of such Act is amended (1) by striking out “The” and inserting in lieu thereof “(A) Except as provided in subparagraph (B), the”, and (2) by adding at the end thereof the following:

74 Stat. 973.
42 USC 1101.

“(B) With respect to the fiscal years ending June 30, 1970, June 30, 1971, and June 30, 1972, the balance in the employment security administration account at the close of each such fiscal year shall not be considered excess but shall be retained in the account for use as provided in paragraph (1) of subsection (c).”

SEC. 4. EFFECTIVE DATE.

(a) The amendments made by the first two sections of this Act shall apply with respect to calendar years beginning after December 31, 1969.

(b) The amendments made by section 3 shall take effect upon enactment of this Act.

SEC. 5. EXTENSION OF TAX SURCHARGE.

(a) SURCHARGE EXTENSION.—Section 51(a) of the Internal Revenue Code of 1954 (relating to imposition of tax surcharge) is amended—

82 Stat. 252;
Post, p. 657.
26 USC 51.

(1) by striking out so much of paragraph (1)(A) as follows the table heading “CALENDAR YEAR 1969” and inserting in lieu thereof the following:

68A Stat. 737-
825.
82 Stat. 260.
“Installment
date.”

26 USC 3402.
Ante, p. 42;
Post, pp. 686-705.

Effective
date.

day after the date of enactment of this Act. With respect to any declaration or payment of estimated tax before such first installment date, sections 6015, 6154, 6654, and 6655 of the Internal Revenue Code of 1954 shall be applied without regard to the amendments made by this section. For purposes of this paragraph, the term “installment date” means any date on which, under section 6153 or 6154 of such Code (whichever is applicable), an installment payment of estimated tax is required to be made by the taxpayer.

SEC. 6. EXTENSION OF WITHHOLDING TAX.

(a) Section 3402 of the Internal Revenue Code of 1954 (relating to income tax collected at source) is amended—

(1) by striking out “July 31, 1969” in subsection (a)(1) and inserting in lieu thereof “December 31, 1969”;

(2) by striking out “August 1, 1969” in subsection (a)(2) and inserting in lieu thereof “January 1, 1970”; and

(3) by striking out “August 1, 1969” in subsection (c)(6) and inserting in lieu thereof “January 1, 1970”.

(b) The amendments made by this section shall apply with respect to wages paid after July 31, 1969, and before January 1, 1970.

Approved August 7, 1969.

Public Law 91-54

AN ACT

To promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects.

Contract Work
Hours Standards
Act, amendment.

Construction
industry, health
and safety
standards.

76 Stat. 357.
40 USC 327
note.

80 Stat. 383.

Noncompliance.

49 Stat. 2038.
Opportunity
for hearing.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Contract Work Hours Standards Act is amended by adding at the end thereof the following:

“SEC. 107. (a) It shall be a condition of each contract which is entered into under legislation subject to Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), and is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards promulgated by the Secretary by regulation based on proceedings pursuant to section 553 of title 5, United States Code, provided that such proceedings include a hearing of the nature authorized by said section. In formulating such standards, the Secretary shall consult with the Advisory Committee created by subsection (e).

“(b) The Secretary is authorized to make such inspections, hold such hearings, issue such orders, and make such decisions based on findings of fact, as are deemed necessary to gain compliance with this section and any health and safety standard promulgated by the Secretary under subsection (a), and for such purposes the Secretary and the United States district courts shall have the authority and jurisdiction provided by sections 4 and 5 of the Act of June 30, 1936 (41 U.S.C. 38, 39). In the event that the Secretary of Labor determines noncompliance under the provisions of this section after an opportunity for an adjudicatory hearing by the Secretary of any condi-

tion of a contract of a type described in clause (1) or (2) of section 103(a) of this Act, the governmental agency for which the contract work is done shall have the right to cancel the contract, and to enter into other contracts for the completion of the contract work, charging any additional cost to the original contractor. In the event of noncompliance, as determined by the Secretary after an opportunity for an adjudicatory hearing by the Secretary, of any condition of a contract of a type described in clause (3) of section 103(a), the governmental agency by which financial guarantee, assistance, or insurance for the contract work is provided shall have the right to withhold any such assistance attributable to the performance of the contract. Section 104 of this Act shall not apply to the enforcement of this section.

“(c) The United States district courts shall have jurisdiction for cause shown, in any actions brought by the Secretary, to enforce compliance with the construction safety and health standard promulgated by the Secretary under subsection (a).

“(d)(1) If the Secretary determines on the record after an opportunity for an agency hearing that, by repeated willful or grossly negligent violations of this Act, a contractor or subcontractor has demonstrated that the provisions of subsections (b) and (c) are not effective to protect the safety and health of his employees, the Secretary shall make a finding to that effect and shall, not sooner than thirty days after giving notice of the findings to all interested persons, transmit the name of such contractor or subcontractor to the Comptroller General.

Notice of findings.

“(2) The Comptroller General shall distribute each name so transmitted to him to all agencies of the Government. Unless the Secretary otherwise recommends, no contract subject to this section shall be awarded to such contractor or subcontractor or to any person in which such contractor or subcontractor has a substantial interest until three years have elapsed from the date the name is transmitted to the Comptroller General. If, before the end of such three-year period, the Secretary, after affording interested persons due notice and opportunity for hearing, is satisfied that a contractor or subcontractor whose name he has transmitted to the Comptroller General will thereafter comply responsibly with the requirements of this section, he shall terminate the application of the preceding sentence to such contractor or subcontractor (and to any person in which the contractor or subcontractor has a substantial interest); and when the Comptroller General is informed of the Secretary's action he shall inform all agencies of the Government thereof.

Contract awards, prohibition.

“(3) Any person aggrieved by the Secretary's action under subsections (b) or (d) may, within sixty days after receiving notice thereof, file with the appropriate United States court of appeals a petition for review of such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, who shall thereupon file in the court the record upon which he based his action, as provided in section 2112 of title 28, United States Code. The findings of fact by the Secretary, if supported by substantial evidence, shall be final. The court shall have power to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part, the order of the Secretary or the appropriate Government agency. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

Judicial review.

72 Stat. 941;
80 Stat. 1323.

62 Stat. 928.

Advisory Committee on Construction Safety and Health.

Compensation, travel expenses, etc.

Post, p. 190.

Safety programs, promotion.

76 Stat. 357.
40 USC 327
note.

“(e) (1) The Secretary shall establish in the Department of Labor an Advisory Committee on Construction Safety and Health (hereinafter referred to as the ‘Advisory Committee’) consisting of nine members appointed, without regard to the civil service laws, by the Secretary. The Secretary shall appoint one such member as Chairman. Three members of the Advisory Committee shall be persons representative of contractors to whom this section applies, three members shall be persons representative of employees primarily in the building trades and construction industry engaged in carrying out contracts to which this section applies, and three public representatives who shall be selected on the basis of their professional and technical competence and experience in the construction health and safety field.

“(2) The Advisory Committee shall advise the Secretary in the formulation of construction safety and health standards and other regulations, and with respect to policy matters arising in the administration of this section. The Secretary may appoint such special advisory and technical experts or consultants as may be necessary to carry out the functions of the Advisory Committee.

“(3) Members of the Advisory Committee shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding \$100 per day, including traveltimes; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

“(f) The Secretary shall provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe working conditions in employments covered by the Act, and to collect such reports and data and to consult with and advise employers as to the best means of preventing injuries.”

SEC. 2. The first section and section 2 of the Act of August 13, 1962, are each amended by inserting “and Safety” after “Hours” each time it appears.

Approved August 9, 1969.

Public Law 91-55

August 9, 1969
[S. J. Res. 85]

National Archery Week Proclamation.

JOINT RESOLUTION
To provide for the designation of the period from August 26, 1969, through September 1, 1969, as “National Archery Week”.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the seven-day period beginning August 26, 1969, and ending September 1, 1969, as “National Archery Week”, and inviting the Governors and mayors of State and local governments of the United States to issue similar proclamations.

Approved August 9, 1969.

Public Law 91-56

AN ACT

To continue until the close of June 30, 1972, the existing suspension of duty on certain copying shoe lathes.

August 9, 1969
[H. R. 5833]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) item 911.70 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "On or before 6/30/69" and inserting in lieu thereof "On or before 6/30/72".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, after June 30, 1969.

SEC. 2. (a) Section 1903(e) of the Social Security Act is amended (1) by striking out "1975" and inserting in lieu thereof "1977".

(b) The provisions of section 1903(e) of the Social Security Act shall not apply for any period prior to July 1, 1971. In performing his functions under title XIX of the Social Security Act, the Secretary of Health, Education, and Welfare shall issue regulations and give advice to the States consistent with the preceding sentence.

(c) Section 1902(c) of the Social Security Act is amended by striking out "aid or assistance (other than so much of the aid or assistance as is provided for under the plan of the State approved under this title)" and inserting in lieu thereof "aid or assistance in the form of money payments (other than so much, if any, of the aid or assistance in such form as was, immediately prior to the effective date of the State plan under this title, attributable to medical needs)".

(d) Section 1902 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(d) Whenever any State desires a modification of the State plan for medical assistance so as to reduce the scope or extent of the care and services provided as medical assistance under such plan, or to terminate any of such care and services, the Secretary shall, upon application of the State, approve any such modification if the Governor of such State certifies to the Secretary that—

"(1) the average quarterly amount of non-Federal funds expended in providing medical assistance under the plan for any consecutive four-quarter period after the quarter in which such modification takes effect will not be less than the average quarterly amount of such funds expended in providing such assistance for the four-quarter period which immediately precedes the quarter in which such modification is to become effective,

"(2) the State is fully complying with the provisions of its State plan (relating to control of utilization and costs of services) which are included therein pursuant to the requirements of subsection (a)(30), and

"(3) the modification is not made for the purpose of increasing the standard or other formula for determining payments for those types of care or services which, after such modification, are provided under the State plan,

and if the Secretary finds that the State is complying with the provisions of its State plan referred to in clause (2); except that nothing in this subsection shall be construed to authorize any modification in the State plan of any State which would terminate the care or services

Shoe lathes.
Duty suspen-
sion, extension.
80 Stat. 190.

Social Security
Act, amendments.
79 Stat. 350.
42 USC 1396b.

State medical
plans, approval.
Public assist-
ance payments,
reductions pro-
hibited.

State plan
modifications,
certification
requirements.
42 USC 1396a.

81 Stat. 911.

81 Stat. 902.
42 USC 1396a.

required to be included pursuant to subsection (a) (13). Any increase in the formula or other standard for determining payments for those types of care or services which, after such modification, are provided under the State plan shall be made only after approval thereof by the Secretary."

Approved August 9, 1969.

Public Law 91-57

August 9, 1969
[H.R. 2785]

AN ACT

To authorize the Secretary of the Interior to convey to the State of Tennessee certain lands within Great Smoky Mountains National Park and certain lands comprising the Gatlinburg Spur of the Foothills Parkway, and for other purposes.

State of
Tennessee.
Land convey-
ances.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to convey to the State of Tennessee, subject to such conditions as he may deem necessary to preserve the natural beauty of the adjacent park lands, approximately twenty-eight acres of land comprising a portion of the right-of-way of Tennessee State Route 72 (U.S. 129), and approximately forty-one acres comprising portions of the right-of-way of Tennessee State Route 73 east of Gatlinburg, which are within the boundary of Great Smoky Mountains National Park.

SEC. 2. The Secretary is further authorized to convey to the State of Tennessee, subject to such conditions as he may deem necessary to assure administration and maintenance thereof by the State and to preserve the existing parkway character of the conveyed lands, the rights-of-way heretofore conveyed to the United States for the purposes of the Gatlinburg Spur of the Foothills Parkway together with any and all parcels of land heretofore conveyed by the State of Tennessee to the United States for the control and stabilization of landslides along said Gatlinburg Spur, except such lands as the Secretary determines may be necessary to provide for (1) the interchange between the road known as the Gatlinburg bypass and United States 441, (2) the interchange between United States Highway 441 and the Foothills Parkway in the vicinity of Caney Creek, and (3) the management and administration of the Foothills Parkway: *Provided*, That such reconveyance shall not be effected until construction of the Gatlinburg bypass and of two rock retaining walls to control erosion on the Gatlinburg Spur are completed, and Interstate Route 40 is open to public travel from Newport, Tennessee to United States Route 19 near Waynesville, North Carolina.

SEC. 3. The conveyance of the lands described in sections 1 and 2 of this Act shall eliminate them from the park and parkway. Upon such conveyance and upon acceptance by the State of Tennessee of legislative jurisdiction over the lands and notification of such acceptance being given to the Secretary of the Interior, such jurisdiction is retroceded to the State.

Approved August 9, 1969.

Public Law 91-58

AN ACT

To designate the Ventana Wilderness, Los Padres National Forest, in the State of California.

August 18, 1969
[S. 714]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Ventana Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Ventana Wilderness—Proposed," dated March 14, 1969, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Ventana Wilderness within and as a part of Los Padres National Forest, comprising an area of approximately ninety-eight thousand acres.

Ventana
Wilderness, Calif.
Designation.
16 USC 1132.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of the Agriculture shall file a map and a legal description of the Ventana Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

Filing of map,
etc.

SEC. 3. The Ventana Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

Administration.

SEC. 4. The previous classification of the Ventana Primitive Area is hereby abolished.

Approved August 18, 1969.

Public Law 91-59

JOINT RESOLUTION

To provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

August 18, 1969
[H. J. Res. 864]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Export Control Act of 1949, as amended (50 U.S.C. App. 2032), is amended by striking out "June 30, 1969" and inserting in lieu thereof "October 31, 1969".

Ante, p. 42;
Post, p. 169.

Approved August 18, 1969.

Public Law 91-60

AN ACT

To provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado.

August 20, 1969
[S. 912]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve and interpret for the benefit and enjoyment of present and future generations the excellently preserved insect and leaf fossils and related geologic sites and objects at the Florissant lakebeds, the Secretary of

Florissant
Fossil Beds Na-
tional Monument,
Colo.
Establishment.

the Interior may acquire by donation, purchase with donated or appropriated funds, or exchange such land and interests in land in Teller County, Colorado, as he may designate from the lands shown on the map entitled "Proposed Florissant Fossil Beds National Monument", numbered NM-FFB-7100, and dated March 1967, and more particularly described by metes and bounds in an attachment to that map, not exceeding, however, six thousand acres thereof, for the purpose of establishing the Florissant Fossil Beds National Monument.

Administration.

SEC. 2. The Secretary of the Interior shall administer the property acquired pursuant to section 1 of this Act as the Florissant Fossil Beds National Monument in accordance with the Act entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented.

Appropriation.

SEC. 3. There are authorized to be appropriated such sums, but not more than \$3,727,000, as may be necessary for the acquisition of lands and interests in land for the Florissant Fossil Beds National Monument and for necessary development expenses in connection therewith.

Approved August 20, 1969.

Public Law 91-61

August 20, 1969
[S. 1611]

AN ACT

To amend Public Law 85-905 to provide for a National Center on Educational Media and Materials for the Handicapped, and for other purposes.

National Center
on Educational
Media and Mate-
rials for the
Handicapped.
Establishment.
79 Stat. 983.
42 USC 2491-
2495.

Report to
Congress.

49 Stat. 1011;
78 Stat. 238.

64 Stat. 1267.
63 Stat. 108.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of September 2, 1958 (Public Law 85-905) is amended—

(1) in section 3, by adding at the end thereof the following new subsection:

"(c) (1) The Secretary is authorized to enter into an agreement with an institution of higher education for the establishment and operation (including construction) of a National Center on Educational Media and Materials for the Handicapped, which will provide a comprehensive program of activities to facilitate the use of new educational technology in education programs for handicapped persons, including designing and developing, and adapting instructional materials, and such other activities consistent with the purposes of this Act as the Secretary may prescribe in the agreement. Such agreement shall—

"(A) provide that Federal funds paid to the Center will be used solely for such purposes as are set forth in the agreement;

"(B) authorize the Center, subject to the Secretary's prior approval, to contract with public and private agencies and organizations for demonstration projects;

"(C) provide for an annual report on the activities of the Center which will be transmitted to the Congress;

"(D) provide that any laborer or mechanic employed by any contractor or subcontractor in performance of work on any construction aided by Federal funds under this subsection will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a-276a-5); and the Secretary of Labor shall have, with respect to the labor standards specified in this clause, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

"(2) In considering proposals from institutions of higher education to enter into an agreement under this subsection, the Secretary shall give preference to institutions—

"(A) which have demonstrated the capabilities necessary for the development and evaluation of educational media for the handicapped; and

"(B) which can serve the educational technology needs of the Model High School for the Deaf (established under Public Law 89-694).

"(3) If within twenty years after the completion of any construction (except minor remodeling or alteration) for which such funds have been paid—

"(A) the facility ceases to be used for the purposes for which it was constructed or the agreement is terminated, unless the Secretary determines that there is good cause for releasing the institution from its obligation, or

"(B) the institution ceases to be the owner of the facility, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.";

(2) in section 2, by adding at the end thereof the following:

"(5) The term 'construction' means the construction and initial equipment of new buildings, including architect's fees, but excluding the acquisition of land."; and

(3) in section 4, by striking out "and" after "1969," and by striking out "1970" and all that follows and inserting in lieu thereof the following: "1970, \$12,500,000 for the fiscal year ending June 30, 1971, \$15,000,000 for the fiscal year ending June 30, 1972, and \$20,000,000 for the fiscal year ending June 30, 1973, and for each succeeding fiscal year."

Approved August 20, 1969.

80 Stat. 1027.
D.C. Code 31-
1051 note.
Termination of
agreement.

79 Stat. 983;
81 Stat. 805.
42 USC 2492.
"Construction."

Appropriation.
42 USC 2494.

Public Law 91-62

AN ACT

To amend the Federal Aviation Act of 1958, as amended, and for other purposes.

August 20, 1969
[S. 1373]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Aviation Act of 1958, as amended, is further amended as follows:

(1) Section 407(b) (49 U.S.C. 1377(b)) is amended by adding the following additional sentence: "Any person owning, beneficially or as trustee, more than 5 per centum of any class of the capital stock or capital, as the case may be, of an air carrier shall submit annually, and at such other times as the Board may require, a description of the shares of stock or other interest owned by such person, and the amount thereof."

(2) Section 408 (49 U.S.C. 1378) is amended by striking subsection 408(a)(5) in its entirety, and inserting in lieu thereof the following:

"(5) For any air carrier or person controlling an air carrier, any other common carrier, any person engaged in any other phase of aeronautics, or any other person to acquire control of any air carrier in any manner whatsoever: *Provided*, That the Board may

Federal Aviation
Act of 1958,
amendments.
72 Stat. 766.
Air carriers.
Acquisition of
control.

72 Stat. 767.
49 USC 1378.

by order exempt any such acquisition of a noncertificated air carrier from this requirement to the extent and for such periods as may be in the public interest;”.

(3) (A) Section 408 is further amended by adding the following new subsection 408(f) :

“Presumption of Control

“(f) For the purposes of this section, any person owning beneficially 10 per centum or more of the voting securities or capital, as the case may be, of an air carrier shall be presumed to be in control of such air carrier unless the Board finds otherwise. As used herein, beneficial ownership of 10 per centum of the voting securities of a carrier means ownership of such amount of its outstanding voting securities as entitles the holder thereof to cast 10 per centum of the aggregate votes which the holders of all the outstanding voting securities of such carrier are entitled to cast.”

(B) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading “SEC. 408. Consolidation, merger, and acquisition of control.” is amended by adding at the end thereof the following: “(f) Presumption of control.”

Effective date.

SEC. 2. The amendments made by this Act shall take effect as of August 5, 1969.

Approved August 20, 1969.

Public Law 91-63

August 25, 1969
[H. R. 12720]

AN ACT

To provide for the conveyance of certain real property of the District of Columbia to the Washington International School, Incorporated.

D.C.
Washington
International
School, Inc.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That (a) the Commissioner of the District of Columbia (hereafter in this Act referred to as the “Commissioner”) shall convey to the Washington International School, Incorporated (hereafter in this Act referred to as the “Corporation”), a nonprofit corporation in the District of Columbia, all the right, title, and interest of the District of Columbia in and to the real property in the District of Columbia described as lot 806 of square 1215 and known as the Phillips School, upon payment to the District of Columbia by or on behalf of the Corporation of the sum of \$500,000.

Conditions.

(b) The conveyance under subsection (a) of this section shall be subject to the condition that the Corporation shall use such real property for educational purposes during the five-year period beginning on the date of such conveyance, and that in the event that at any time during such period it ceases to use such real property for such purposes, it shall notify the Commissioner in writing of such fact and all right, title, and interest in and to such real property shall, at the option of the Commissioner, revert to the District of Columbia, but only upon payment to the Corporation of \$500,000 or, if greater, the fair market value of such real property (but not to exceed \$600,000), determined as of the date the Corporation notifies the Commissioner that the Corporation has ceased to use such real property for such purposes. The Commissioner may exercise such option only during the

one-year period beginning on the date such notice is received by the Commissioner.

(c) During the five-year period beginning on the date of the conveyance under subsection (a) of this section, or, if shorter, during such period as the Corporation holds title to the real property conveyed under such subsection, the District of Columbia may, under its power of eminent domain, acquire such real property from the Corporation only upon payment to the Corporation of \$500,000 or, if greater, the fair market value of such real property (but not to exceed \$600,000), determined as of the date of acquisition by the District of Columbia.

Approved August 25, 1969.

Public Law 91-64

AN ACT

To compensate the Indians of California for the value of land erroneously used as an offset in a judgment against the United States obtained by said Indians.

August 25, 1969
[H.R. 671]

Indians of
California.
Compensation.
25 USC 661.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of September 21, 1968 (82 Stat. 860; Public Law 90-507), is redesignated as subsection (a) of section 3 and a new subsection (b) is added as follows:

“(b) The Secretary of the Treasury is authorized and directed to credit to the judgment account referred to in subsection (a), for distribution as a part of such account, the sum of \$83,275, plus interest at 4 per centum per annum from December 4, 1944, which sum represents the value of sixty-six thousand six hundred and twenty acres of land erroneously used as an offset against said judgment.”

Approved August 25, 1969.

Public Law 91-65

AN ACT

To continue for a temporary period the existing suspension of duty on certain items and the existing interest equalization tax.

August 25, 1969
[H.R. 10107]

Istle.
Duty suspen-
sion.
80 Stat. 771.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) item 903.90 of the Tariff Schedules of the United States (19 U.S.C., sec. 1202, item 903.90) is amended by striking out “9/5/69” and inserting in lieu thereof “9/5/72”.

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, after September 5, 1969.

SEC. 2. Effective with respect to acquisitions made after August 31, 1969, section 4911(d) of the Internal Revenue Code of 1954 (relating to termination of interest equalization tax) is amended by striking out “August 31, 1969” and inserting in lieu thereof “September 30, 1969”.

Interest equal-
ization tax.
Extension.
Ante, p. 86;
Post, p. 261.

Approved August 25, 1969.

Public Law 91-66

August 25, 1969
[S. 742]

Yakima project,
Wash.
Kennewick division extension.

Irrigation costs, repayment provisions.

16 USC 835j-
835m.

Delivery restriction.

63 Stat. 1056.
7 USC 1428.

62 Stat. 1251;
63 Stat. 1058.
7 USC 1301.

Appropriation.

AN ACT
To amend the Act of June 12, 1948 (62 Stat. 382), in order to provide for the construction, operation, and maintenance of the Kennewick division extension, Yakima project, Washington, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 12, 1948 (62 Stat. 382), is hereby amended as follows:

(a) Insert the words "and Kennewick division extension", after the words "Kennewick division" in section 1 and add the following items to the principal units listed in said section: "Kiona siphon" and "Re-lift pumping plants".

(b) Insert at the end of section 3 the following: "Costs of the Kennewick division extension allocated to irrigation which are determined by the Secretary to be in excess of the water users' ability to repay within a fifty-year repayment period following a ten-year development period, shall be charged to and returned to the reclamation fund in accordance with the provisions of section 2 of the Act of June 14, 1966 (80 Stat. 200), as amended by section 6 of the Act of September 7, 1966 (80 Stat. 707): *Provided*, That section 5 of this Act shall not be applicable to the revenues derived from the Federal Columbia River power system. Power and energy required for irrigation water pumping for the Kennewick extension shall be made available by the Secretary from the Federal Columbia River power system at charges determined by him."

SEC. 2. No water shall be delivered to any water user on the Kennewick division extension for a period of ten years from the date of enactment of this authorizing Act for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 3. There are authorized to be appropriated for the new works associated with the Kennewick division extension \$6,735,000 (January 1969 prices), plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein, as shown by engineering cost indexes, and, in addition, such sums as may be required to operate and maintain the extension.

Approved August 25, 1969.

Public Law 91-67

September 15, 1969
[H. R. 7206]

AN ACT

To adjust the salaries of the Vice President of the United States and certain officers of the Congress.

Vice President.
Salary increase.
62 Stat. 678;
78 Stat. 422.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 104 of title 3, United States Code, relating to the per annum rate of salary of the Vice President of the United States, is amended to read as follows:

“§ 104. Salary of the Vice President

“The per annum rate of salary of the Vice President of the United States shall be \$62,500, to be paid monthly.”

SEC. 2. (a) The second sentence of section 601(a) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 31), relating to the compensation of the Speaker of the House of Representatives, is amended by striking out “\$43,000” and inserting in lieu thereof “\$62,500”.

(b) The third sentence of section 601(a) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 31), relating to the compensation of the Majority Leader and the Minority Leader of the Senate and the Majority Leader and the Minority Leader of the House of Representatives, is amended—

(1) by striking out “\$35,000” and inserting in lieu thereof “\$49,500”;

(2) by inserting “the President pro tempore of the Senate,” immediately following “compensation of”; and

(3) by inserting a comma immediately following “Minority Leader of the Senate”.

SEC. 3. The amendments made by this Act shall become effective on March 1, 1969.

Approved September 15, 1969.

Speaker of the House.
79 Stat. 1120.

Majority and Minority Leaders.

President pro tempore.

Effective date.

Public Law 91-68**AN ACT**

To authorize the Commissioner of the District of Columbia to lease to the Jewish Historical Society of Greater Washington the former synagogue of the Adas Israel Congregation and real property of the District of Columbia for the purpose of establishing a Jewish Historical Museum.

September 16, 1969
[H.R. 12677]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to enable the Jewish Historical Society of Greater Washington, a nonprofit corporation organized in the District of Columbia, to place on real property of the District of Columbia the structure which served as the synagogue of Adas Israel Congregation (located in the District of Columbia on the southeast corner of Sixth and G Streets, Northwest) and to improve and restore such structure for the purpose of establishing and maintaining it as a Jewish Historical Museum or for other appropriate purposes.

SEC. 2. To carry out the purpose of this Act, the Commissioner may—

(1) acquire the structure described in the first section and lease it to the Jewish Historical Society of Greater Washington, and

(2) lease to such Society real property of the District of Columbia which he determines is not then required for the needs of the District of Columbia.

Any lease made under this Act shall be subject to such terms and conditions as the Commissioner may deem necessary to carry out the purposes of this Act and in the discretion of the Commissioner, may be made with or without monetary consideration.

Approved September 16, 1969.

D.C.
Jewish Historical Society of Greater Washington.
Leasing of property.

Public Law 91-69

September 17, 1969
[H. R. 11235]

Older Americans
Act Amendments
of 1969.

79 Stat. 220;
81 Stat. 106.

AN ACT
To amend the Older Americans Act of 1965, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Act Amendments of 1969".

EXTENSION OF PROGRAMS

SEC. 2. (a) The second sentence of section 301 of the Older Americans Act of 1965 (42 U.S.C. 3021) is amended by striking "and for the fiscal year ending June 30, 1970, and the two succeeding fiscal years, such sums as the Congress may hereafter authorize by law" and inserting in lieu thereof "\$20,000,000 for the fiscal year ending June 30, 1970, \$25,000,000 for the fiscal year ending June 30, 1971, and \$30,000,000 for the fiscal year ending June 30, 1972".

(b) Section 603 of such Act (42 U.S.C. 3053) is amended by striking out "and for the fiscal year ending June 30, 1970, and the two succeeding fiscal years, such sums may be appropriated as the Congress may hereafter authorize by law" and inserting in lieu thereof "\$12,000,000 for the fiscal year ending June 30, 1970, \$15,000,000 for the fiscal year ending June 30, 1971, and \$20,000,000 for the fiscal year ending June 30, 1972".

EXTENSION OF DURATION OF PROJECT SUPPORT

SEC. 3. (a) Effective with respect to appropriations for fiscal years beginning after June 30, 1969, the last sentence of section 302(c) of the Older Americans Act of 1965 (42 U.S.C. 3022) is amended:

79 Stat. 221.

(1) by inserting "such percentage of the cost of any project as the State agency (designated or established pursuant to section 303(a)(1)) may provide but not in excess of" before "75 per centum";

(2) by striking out "the third year of such project" and all that follows down to but excluding the period and inserting in lieu thereof "the third and any subsequent year of such project".

(b) Effective with respect to appropriations for fiscal years beginning after June 30, 1969, section 303(a)(2) (42 U.S.C. 3023) of such Act is amended by striking out "after termination of Federal financial support under this title".

STATE PLAN REQUIREMENTS FOR PLANNING, COORDINATION, AND EVALUATION

SEC. 4. (a) Effective with respect to appropriations for fiscal years beginning after June 30, 1969, section 303(a) of the Older Americans Act of 1965 (42 U.S.C. 3023) is amended by striking out ", and for coordinating the activities of such agencies and organizations to the extent feasible" in clause (3); by redesignating clauses (4) through (8) as clauses (5) through (9), respectively; and by adding the following new clause after clause (3):

"(4) provides for statewide planning, coordination, and evaluation of programs and activities related to the purposes of this Act in accordance with criteria established by the Secretary after consultation with representatives of the State agencies established or designated as provided in clause (1);".

(b) Effective for fiscal years beginning after June 30, 1969, section 304 of the Older Americans Act of 1965 (42 U.S.C. 3024) is amended to read as follows:

“PLANNING, COORDINATION, AND EVALUATION AND ADMINISTRATION
OF STATE PLANS

“SEC. 304. (a) There are authorized to be appropriated \$5,000,000 each for the fiscal year ending June 30, 1970, and the next two fiscal years for making grants to each State, which has a State plan approved under this title, to pay such percentage, not in excess of 75 per centum, as the State agency (established or designated as provided in section 303(a)(1)) may provide, of the costs of planning, coordinating, and evaluating programs and activities related to the purposes of this Act and of administering the State plan approved under this title. Funds appropriated pursuant to the preceding sentence for the fiscal years ending June 30, 1970, and June 30, 1971, but not expended because a State did not have authority under State law to expend such funds, as determined by the Secretary pursuant to paragraph (4) of subsection (b) of this section, shall remain available as provided in such paragraph.

79 Stat. 222.
42 USC 3023.

“(b) (1) From the sum appropriated for a fiscal year under subsection (a), the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa shall be allotted an amount equal to one-half of 1 per centum of such sum or \$25,000, whichever is greater, and each other State shall be allotted an amount equal to 1 per centum of such sum.

Allotments.

“(2) From the remainder of the sum so appropriated for a fiscal year each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty-five or over in such State bears to the population aged sixty-five or over in all of the States, as determined by the Secretary on the basis of the most recent information available to him, including any relevant data furnished to him by the Department of Commerce.

“(3) A State’s allotment for a fiscal year under this section shall be equal to the sum of the amounts allotted to it under paragraphs (1) and (2); except that if such sum is for any State, other than the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa, less than \$75,000 it shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing such sum for each of the remaining States (except the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa), but with such adjustments as may be necessary to prevent such sum for any of such remaining States from being reduced to less than \$75,000.

“(4) In any case in which a State does not have authority under State law to expend the full amount of its allotment under this subsection in the fiscal year ending June 30, 1970, the amount of such allotment which the Secretary determines the State did not have such authority to expend during a part of that fiscal year shall remain available to such State until June 30, 1971, subject to reallocation after June 30, 1970, in accordance with the provisions of subsection (c) of this section, except as provided by the following sentence. In any case in which a State does not have authority under State law to expend the full amount of its allotment under this subsection, including any amount available pursuant to the preceding sentence, in the fiscal year ending June 30, 1971, the amount of such allotment which the Secretary determines the State did not have such authority to expend during a part of that fiscal year shall remain available to such State until June 30, 1972, subject to reallocation after June 30, 1971, in accordance with the provisions of subsection (c) of this section.

“(c) The amount of any allotment to a State under subsection (b) for any fiscal year which the Secretary determines will not be required

(i) for meeting the costs in such State referred to in subsection (a) and (ii) for the purposes set forth in paragraph (4) of subsection (b) shall be reallocated from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines (1) have need in meeting the costs referred to in subsection (a) for sums in excess of those previously allotted to them under subsection (b) and (2) will be able to use such excess amounts for meeting such costs during any period for which the allotment is available. Such reallocations shall be made on the basis of such need and ability, after taking into consideration the population aged sixty-five or over. Any amount so reallocated to a State shall be deemed part of its allotment under subsection (b).

“(d) The allotment of any State under subsection (b) for any fiscal year shall be available for payments pursuant to this section to State agencies which have provided reasonable assurance that there will be expended for the purposes for which such payments are made, for the year for which such payments are made and from funds from State sources, not less than the amount expended for such purposes from such funds for the fiscal year ending June 30, 1969.”

(c) (1) The heading of title III of the Older Americans Act is amended to read “TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING”.

(d) Section 302 of such act is amended by—

- (1) deleting the word “title” in subsection (a)(3) and inserting in lieu thereof “section”; and
- (2) deleting the phrase “for carrying out the State plan (if any) approved under this title” in subsection (b) and inserting in lieu thereof “for grants with respect to projects in the State under this title”.

AUTHORIZATION OF AREAWIDE MODEL PROJECTS UNDER TITLE III

SEC. 5. Title III of the Older Americans Act of 1965 is amended by redesignating section 305 as section 306, and inserting after section 304 the following new section:

“AREAWIDE MODEL PROJECTS

42 USC 3023.
“SEC. 305. (a) The Secretary is authorized, upon such terms as he may deem appropriate, to make grants to or contracts with State agencies established or designated as provided in section 303(a)(1) to pay not to exceed 75 per centum of the cost of the development and operation of statewide, regional, metropolitan area, county, city, or other areawide model projects for carrying out the purposes of this title, to be conducted by such State agencies (directly or through contract arrangements). Such projects shall provide services for, or create opportunities for, older persons, and shall be in fields of service and for categories of older persons determined in accordance with regulations prescribed by the Secretary after consultation with representatives of such State agencies.

“(b) There are authorized to be appropriated to carry out this section \$5,000,000 for the fiscal year ending June 30, 1970, and \$10,000,000 each for the fiscal year ending June 30, 1971, and the fiscal year ending June 30, 1972.”

REALLOCATION

SEC. 6. The first sentence of subsection (b) of section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022) is amended by striking out “the State notifies the Secretary will” and inserting in lieu thereof “the Secretary determines will”.

EXTENSION OF CONTRACT AUTHORITY FOR RESEARCH AND DEVELOPMENT PROJECTS

SEC. 7. (a) Section 401 of the Older Americans Act of 1965 (42 U.S.C. 3031) is amended by striking out "any such agency" and inserting in lieu thereof "any agency".

(b) Such section is further amended by (1) striking out "or" at the end of paragraph (c); (2) striking out the period at the end of paragraph (d) and inserting in lieu thereof ";" ; and (3) inserting at the end thereof the following new paragraphs:

"(e) to collect and disseminate, through publications and other appropriate means, information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this title; or

"(f) to conduct conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this title."

TRAINING PROJECTS

SEC. 8. Section 501 of the Older Americans Act of 1965 (42 U.S.C. 3041) is amended to read as follows:

"**SEC. 501.** The Secretary is authorized to make grants to any public or nonprofit private agency, organization, or institution, and contracts with any agency, organization, or institution, for—

"(a) the specialized training of persons employed or preparing for employment in carrying out programs related to the purposes of this Act and the development of curriculums for such training;

"(b) the conduct of studies of the need for trained personnel to carry out such programs;

"(c) the preparation and dissemination of materials, including audiovisual materials and printed materials, for use in recruitment and training of such personnel;

"(d) the conduct of conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this title; and

"(e) the publication and distribution of information concerning studies, findings, and other materials developed in connection with activities under this title."

NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

SEC. 9. The Older Americans Act of 1965 is amended by redesignating title VI as title VII and sections 601, 602, and 603 as sections 701, 702, and 703, respectively, and by inserting after title V the following new title:

79 Stat. 225.
42 USC 3051-
3053.

"TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM"

"PART A—RETIRED SENIOR VOLUNTEER PROGRAM"

"GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS"

"SEC. 601. (a) In order to help retired persons to avail themselves of opportunities for voluntary service in their community, the Secretary is authorized to make grants to State agencies (established or designated pursuant to section 303(a)(1)) or grants to or contracts with other public and nonprofit private agencies and organizations to pay part or all of the costs for the development or operation, or both,

79 Stat. 222.
42 USC 3023.

of volunteer service programs under this section, if he determines in accordance with such regulations as he may prescribe that—

“(1) volunteers shall not be compensated for other than transportation, meals, and other out-of-pocket expenses incident to their services;

“(2) only individuals aged sixty or over will provide services in the program (except for administrative purposes), and such services will be performed in the community where such individuals reside or in nearby communities either (a) on publicly owned and operated facilities or projects, or (b) on local projects sponsored by private nonprofit organizations (other than political parties), other than projects involving the construction, operation, or maintenance of so much of any facility used or to be used for sectarian instruction or as a place for religious worship;

“(3) the program will not result in the displacement of employed workers or impair existing contracts for services;

“(4) the program includes such short-term training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and provides for the payment of the reasonable expenses of trainees;

“(5) the program is being established and will be carried out with the advice of persons competent in the field of service being staffed, and of persons with interest in and knowledge of the needs of older persons; and

“(6) the program is coordinated with other related Federal and State programs.

Method of payment.

“(b) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Secretary may determine.

“(c) The Secretary shall not award any grant or contract under this part for a project in any State to any agency or organization unless, if such State has a State agency established or designated pursuant to section 303(a)(1), such agency is the recipient of the award or such agency has had not less than sixty days in which to review the project application and make recommendations thereon.

79 Stat. 222.
42 USC 3023.

“AUTHORIZATIONS OF APPROPRIATIONS

“SEC. 603. There are authorized to be appropriated, for grants or contracts under this part, \$5,000,000 for the fiscal year ending June 30, 1970, \$10,000,000 for the fiscal year ending June 30, 1971, and \$15,000,000 for the fiscal year ending June 30, 1972.

“PART B—FOSTER GRANDPARENT PROGRAM

Grants and contracts.

“SEC. 611. (a) The Secretary is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay not to exceed 90 per centum of the cost of the development and operation of projects designed to provide opportunities for low-income persons aged sixty or over to render supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs, including services as “Foster Grandparents” to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs.

Method of payment.

“(b) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account

of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Secretary may determine.

“CONDITIONS OF GRANTS AND CONTRACTS

“SEC. 612. (a) (1) In administering this part the Secretary shall—

“(A) assure that the new participants in any project are older persons of low income who are no longer in the regular work force;

“(B) award a grant or contract only if he determines that the project will not result in the displacement of employed workers or impair existing contracts for services.

“(2) The Secretary shall not award a grant or contract under this part which involves a project proposed to be carried out throughout the State or over an area more comprehensive than one community unless—

“(A) the State agency (established or designated under section 303(a)(1)) is the applicant for such grant or contract or, if not, such agency has been afforded a reasonable opportunity to apply for and receive such award and to administer or supervise the administration of the project; and

“(B) in cases in which such agency is not the grantee or contractor (including cases to which subparagraph (A) applies but in which such agency has not availed itself of the opportunity to apply for and receive such award), the application contains or is supported by satisfactory assurance that the project has been developed, and will to the extent appropriate be conducted in consultation with, or with the participation of, such agency.

“(3) The Secretary shall not award a grant or contract under this title which involves a project proposed to be undertaken entirely in a community served by a community action agency unless—

“(A) such agency is the applicant for such grant or contract or, if not, such agency has been afforded a reasonable opportunity to apply for and receive such award and to administer or supervise the administration of the project; and

“(B) in cases in which such agency is not the grantee or contractor (including cases to which subparagraph (A) applies but in which such agency has not availed itself of the opportunity to apply for and receive such award), the application contains or is supported by satisfactory assurance that the project has been developed, and will to the extent appropriate be conducted in consultation with, or with the participation of, such agency; and

“(C) if such State has a State agency established or designated pursuant to section 303(a)(1), such agency has had not less than 45 days in which to review the project application and make recommendations thereon.

“(b) The term ‘community action agency’ as used in this section, means a community action agency established under title II of the Economic Opportunity Act of 1964.

*79 Stat. 222.
42 USC 3023.*

“INTERAGENCY COOPERATION

“SEC. 613. In administering this part, the Secretary shall consult with the Office of Economic Opportunity, the Department of Labor, and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this part with other public or private programs or projects carried out at State and local levels.

*“Community
action agency.”
81 Stat. 690.
42 USC 2781
et seq.*

Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this part and in promoting the identification and interest of low-income older persons whose services may be utilized in projects under this part.

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 614. There are authorized to be appropriated for grants or contracts under this part, \$15,000,000 for the fiscal year ending June 30, 1970, \$20,000,000 for the fiscal year ending June 30, 1971, and \$25,000,000 for the fiscal year ending June 30, 1972.

TRUST TERRITORY OF THE PACIFIC ISLANDS

79 Stat. 219.

SEC. 10. (a) Section 102(3) of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended by striking “and American Samoa” and inserting in lieu thereof, “American Samoa, and the Trust Territory of the Pacific Islands”.

(b) Section 302(a)(1) of such Act (42 U.S.C. 3022) is amended by striking “and American Samoa” and inserting in lieu thereof “American Samoa and the Trust Territory of the Pacific Islands”.

PUBLIC ASSISTANCE

*78 Stat. 534;
81 Stat. 722.
42 USC 2981.*

Ante, p. 111.

*81 Stat. 672.
42 USC 2711-
2771.*

SEC. 11. For the purposes of section 701 of the Economic Opportunity Act of 1964, payments made to or on behalf of any person under a project (of the kind formerly carried on under the Economic Opportunity Act of 1964) assisted under the title VI of the Older Americans Act of 1965, added thereto by this Act, shall be deemed to be payments made to or on behalf of such person under title I of the Economic Opportunity Act of 1964.

EVALUATION

Ante, p. 111.

SEC. 12. The title of the Older Americans Act of 1965 herein redesignated as title VII is amended by adding at the end thereof the following new section:

“EVALUATION OF PROGRAMS

*79 Stat. 220;
Ante, p. 110.
42 USC 3021-
3025.*

“SEC. 704. Such portion of any appropriation under title III or VI or section 703 for any fiscal year ending after June 30, 1969, as the Secretary may determine, but not exceeding 1 per centum thereof, shall be available to the Secretary for evaluation (directly or by grants or contracts) of the programs authorized by this Act and, in the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriated therefor) shall be reduced accordingly.”

JOINT FUNDING OF PROJECTS

SEC. 13. The Older Americans Act is further amended by adding at the end thereof (after section 704, added by section 12 of this Act) the following new section:

“JOINT FUNDING OF PROJECTS

“SEC. 705. Pursuant to regulations prescribed by the President, where funds are advanced for a single project by more than one Federal agency to an agency, organization, institution, or person assisted under this Act, any one Federal agency may be designated to act for

all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose."

Approved September 17, 1969.

Public Law 91-70

JOINT RESOLUTION

Authorizing the President of the United States of America to proclaim September 17, 1969, General von Steuben Memorial Day for the observance and commemoration of the birth of General Friedrich Wilhelm von Steuben.

September 17, 1969
[H. J. Res. 250]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States of America is authorized and requested to issue a proclamation designating the 17th of September 1969 as General von Steuben Memorial Day, calling upon officials of the Government to display the flag of the United States on all governmental buildings, and inviting the people of the United States to observe the day with appropriate ceremonies and activities to commemorate the birth and services to the United States of General von Steuben.

General von
Steuben Memo-
rial Day.
Proclamation.

Approved September 17, 1969.

Public Law 91-71

JOINT RESOLUTION

To extend for three months the authority to limit the rates of interest or dividends payable on time and savings deposits and accounts.

September 22, 1969
[S. J. Res. 149]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of September 21, 1966, as amended (Public Law 89-597), is amended by striking out "September" and inserting in lieu thereof "December".

82 Stat. 856.
12 USC 461
note.

Approved September 22, 1969.

Public Law 91-72

JOINT RESOLUTION

Authorizing the President to proclaim the week of September 28, 1969, through October 4, 1969, as "National Adult-Youth Communications Week".

September 24, 1969
[H. J. Res. 514]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week of September 28, 1969, through October 4, 1969, as "National Adult-Youth Communications Week" and calling upon the people of the United States to observe such week with appropriate ceremonies and activities designed to encourage the communication of ideas and cooperation between persons of different generations.

National Adult-
Youth Communi-
cations Week.
Proclamation.

Approved September 24, 1969.

Public Law 91-73

September 26, 1969
[S. 1686]

U.S. Park
Police.
Age limits.

AN ACT
Relating to age limits in connection with appointments to the United States Park Police.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of Public Law 89-554 (80 Stat. 419, 5 U.S.C. 3307) the Secretary of the Interior is hereby authorized to determine and fix the minimum and maximum limits of age within which original appointments to the United States Park Police may be made.

Approved September 26, 1969.

Public Law 91-74

September 29, 1969
[H. R. 11582]

Treasury,
Post Office, and
Executive Office
Appropriation
Act, 1970.

AN ACT
Making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1970, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1970, and for other purposes, namely:

TITLE I—TREASURY DEPARTMENT**OFFICE OF THE SECRETARY****SALARIES AND EXPENSES**

For necessary expenses in the Office of the Secretary, including the operation and maintenance of the Treasury Building and Annex thereof; and not to exceed \$5,000 for official reception and representation expenses; \$8,600,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTER**SALARIES AND EXPENSES**

For necessary expenses of the Federal Law Enforcement Training Center, \$58,000.

CONSTRUCTION

For necessary expenses for preparation of plans and specifications for buildings for the Federal Law Enforcement Training Center, \$1,000,000, to remain available until expended: *Provided*, That such sums as are necessary may be transferred to the General Services Administration for execution of the work.

BUREAU OF ACCOUNTS**SALARIES AND EXPENSES**

For necessary expenses of the Bureau of Accounts, \$45,675,000.

BUREAU OF CUSTOMS**SALARIES AND EXPENSES**

For necessary expenses of the Bureau of Customs, including purchase of one hundred and four passenger motor vehicles (of which ninety-one shall be for replacement only) including ninety-four for police-type use without regard to the general purchase price limitation for the current fiscal year; acquisition (purchase of one), operation, and maintenance of aircraft; and awards of compensation to informers as authorized by the Act of August 13, 1953 (22 U.S.C. 401); \$107,551,000.

67 Stat. 577.

BUREAU OF THE MINT**SALARIES AND EXPENSES**

For necessary expenses of the Bureau of the Mint, including purchase of one passenger motor vehicle for replacement only; and not to exceed \$1,000 for the expenses of the annual assay commission; \$17,000,000.

CONSTRUCTION OF MINT FACILITIES

For expenses necessary for construction of Mint facilities, as authorized by the Act of August 20, 1963 (77 Stat. 129), as amended by the Act of July 23, 1965 (79 Stat. 256), \$1,770,000, to remain available until expended.

31 USC 291-
294.**BUREAU OF THE PUBLIC DEBT****ADMINISTERING THE PUBLIC DEBT**

For necessary expenses connected with any public-debt issues of the United States, \$60,370,000.

INTERNAL REVENUE SERVICE**SALARIES AND EXPENSES**

For necessary expenses of the Internal Revenue Service, not otherwise provided for, including executive direction, administrative support, and internal audit and security; hire of passenger motor vehicles; and services of expert witnesses at such rates as may be determined by the Commissioner; \$23,080,000.

REVENUE ACCOUNTING AND PROCESSING

For necessary expenses of the Internal Revenue Service for processing tax returns, and revenue accounting; hire of passenger motor vehicles; and services of expert witnesses at such rates as may be determined by the Commissioner, including not to exceed \$32,500,000 for temporary employment and not to exceed \$84,000 for salaries of personnel engaged in preemployment training of card punch operator applicants; \$200,000,000.

COMPLIANCE

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities, and for investigation and enforcement activities, including purchase (not to exceed two hundred

and forty-six for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year) and hire of passenger motor vehicles; and services of expert witnesses at such rates as may be determined by the Commissioner; \$576,715,000.

OFFICE OF THE TREASURER

SALARIES AND EXPENSES

For necessary expenses of the Office of the Treasurer, \$7,250,000.

CHECK FORGERY INSURANCE FUND

To increase the capital of the "Check forgery insurance fund," in accordance with section 1 of the Act approved November 21, 1941 (31 U.S.C. 561), \$100,000, to remain available until expended.

55 Stat. 777.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Secret Service, including purchase (not to exceed one hundred and fifty-seven for police-type use without regard to the general purchase price limitation for the current fiscal year, of which sixty are for replacement only) and hire of passenger motor vehicles; and hire of aircraft; \$26,871,000.

CONSTRUCTION OF SECRET SERVICE TRAINING FACILITIES

For expenses necessary for construction of Secret Service training facilities, \$700,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 101. Appropriations in this Act to the Department of the Treasury shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-2) including maintenance, repairs, and cleaning; and services as authorized by title 5, United States Code, section 3109.

SEC. 102. Hereafter, upon approval of the Secretary of the Treasury, agents on protective missions, as provided by law, may be reimbursed for subsistence expenses without regard to rates provided by 5 U.S.C. 5702.

Citation of title. This title may be cited as the "Treasury Department Appropriation Act, 1970".

TITLE II—POST OFFICE DEPARTMENT

CURRENT AUTHORIZATIONS OUT OF GENERAL FUNDS

CONTRIBUTION TO THE POSTAL FUND

For administration and operation of the Post Office Department and the postal service, there is hereby appropriated the aggregate amount of postal revenues for the current fiscal year, as authorized by law (39 U.S.C. 2201-2202), together with an amount equal to the difference between such revenues and the total of the appropriations hereinafter specified and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General, for the following purposes, namely:

80 Stat. 508;
81 Stat. 206.

80 Stat. 416.

80 Stat. 498.

Citation of title.

74 Stat. 594;
80 Stat. 274.

CURRENT AUTHORIZATIONS OUT OF POSTAL FUND

ADMINISTRATION AND REGIONAL OPERATION

For expenses necessary for administration of the postal service, operation of the inspection service and regional offices, uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), including services as authorized by title 5, United States Code, section 3109; management studies; not to exceed \$25,000 for miscellaneous and emergency expenses (including not to exceed \$6,000 for official reception and representation expenses upon approval by the Postmaster General); rewards for information and services concerning violations of postal laws and regulations, current and prior fiscal years, in accordance with regulations of the Postmaster General in effect at the time the services are rendered or information furnished, of which not to exceed \$35,000 for confidential information and services shall be paid in the discretion of the Postmaster General and accounted for solely on his certificate; and expenses of delegates designated by the Postmaster General to attend meetings and congresses for the purpose of making postal arrangements with foreign governments pursuant to law, and not to exceed \$20,000 of such expenses to be accounted for solely on the certificate of the Postmaster General; \$133,069,000.

80 Stat. 508;
81 Stat. 206.

80 Stat. 416.

RESEARCH, DEVELOPMENT, AND ENGINEERING

For expenses necessary for administration and conduct of a research, development, and engineering program, including services as authorized by title 5, United States Code, section 3109, \$48,838,000, to remain available until expended.

OPERATIONS

For expenses necessary for postal operations, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902) and services as authorized by title 5, United States Code, section 3109; for repair of vehicles owned by, or under control of, units of the National Guard and departments and agencies of the Federal Government where repairs are made necessary because of utilization of such vehicles in the postal service; and for other activities conducted by the Post Office Department pursuant to law; \$6,141,711,000: *Provided*, That functions financed by the appropriations available to the Post Office Department for the current fiscal year and the amounts appropriated therefor, may be transferred, with the approval of the Bureau of the Budget, between such appropriations to the extent necessary to improve administration and operations: *Provided further*, That Federal Reserve banks and branches may be reimbursed for expenditures as fiscal agents of the United States on account of Post Office Department operations: *Provided further*, That of the amount appropriated by this Act for Postal Operations, \$5,500,000 shall be for additional window service at large post offices and for maintaining present levels of special delivery and multiple-trip business delivery service at locations where the Postmaster General shall determine such maintenance of service to be necessary or desirable.

TRANSPORTATION

For payments for transportation of domestic and foreign mails by air, land, and water transportation facilities, including current and prior fiscal years settlements with foreign countries for handling of mail, \$630,000,000.

BUILDING OCCUPANCY

For expenses necessary for the operation of postal facilities, buildings, and postal communication service; and storage of vehicles owned by, or under control of, units of the National Guard and departments and agencies of the Federal Government, \$230,000,000.

SUPPLIES AND SERVICES

80 Stat. 508;
81 Stat. 206.

For expenses necessary for the postal services and supply operation, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901); including procurement of stamps and accountable paper, and postal supplies, \$114,917,000.

PLANT AND EQUIPMENT

For expenses necessary for modernization and acquisition of equipment and facilities for postal purposes, including not to exceed \$2,000,000 for increases in prior year orders placed with other Government agencies in addition to current increases in prior year orders or contracts made as a result of changes in plans, including \$83,723,000 for modernization and extensions and fixed mechanized systems to remain available until expended; \$210,000,000: *Provided*, That the funds herein appropriated shall be available for repair, alteration, and improvement of the mail equipment shops at Washington, District of Columbia, the Post Office Garage, Philadelphia, Pennsylvania, the Post Office and Vehicle Maintenance Facility, Flint, Michigan, and for payment to the General Services Administration for the repair, alteration, preservation, renovation, improvement, and equipment of federally owned property used for postal purposes, including improved lighting, color, and ventilation for the specialized conditions in space occupied for postal purposes.

POSTAL PUBLIC BUILDINGS

40 USC 601
note.

For expenses, not otherwise provided for, necessary in connection with site acquisition, design, construction, and acquisition of postal buildings pursuant to the Public Buildings Act of 1959 (73 Stat. 479), as amended, \$170,000,000, to remain available until expended: *Provided*, That this appropriation shall be available for postal building projects at locations approved by the Committee on Public Works of the House of Representatives and of the Senate and at maximum construction costs (excluding costs of site acquisition, design, and preconstruction expenses) as estimated for each project in testimony to the Committees on Appropriations of the House and Senate: *Provided further*, That the limits of costs for each project may be exceeded by not to exceed 10 per centum and the amount of any such excess cost may be provided from funds available in this appropriation to the extent that savings are effected in other projects.

This title may be cited as the "Post Office Department Appropriation Act, 1970".

Citation of
title.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

COMPENSATION OF THE PRESIDENT

Ante, p. 3.

For compensation of the President, including an expense allowance at the rate of \$50,000 per annum as authorized by 3 U.S.C. 102, \$250,000.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For expenses necessary for the White House Office, including not to exceed \$250,000 for services as authorized by title 5, United States Code, section 3109, at such per diem rates for individuals as the President may specify, and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service; newspapers, periodicals, teletype news service, and travel, and official entertainment expenses of the President, to be accounted for solely on his certificate; \$3,630,000.

80 Stat. 416.

SPECIAL PROJECTS

For expenses necessary to provide staff assistance for the President in connection with special projects, to be expended in his discretion and without regard to such provisions of law regarding the expenditure of Government funds or the compensation and employment of persons in the Government service as he may specify, \$2,500,000: *Provided*, That not to exceed 20 per centum of this appropriation may be used to reimburse the appropriation for "Salaries and expenses, The White House Office", for administrative services: *Provided further*, That not to exceed \$10,000 shall be available for allocation within the Executive Office of the President for official reception and representation expenses.

OPERATING EXPENSES, EXECUTIVE MANSION

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Mansion, and traveling expenses, to be expended as the President may determine, notwithstanding the provisions of this or any other Act, and official entertainment expenses of the President, to be accounted for solely on his certificate, \$918,000.

BUREAU OF THE BUDGET

SALARIES AND EXPENSES

For expenses necessary for the Bureau of the Budget, including services as authorized by title 5, United States Code, section 3109, \$11,650,000.

80 Stat. 416.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), \$1,137,000.

60 Stat. 23.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For expenses necessary for the National Security Council, including services as authorized by title 5, United States Code, section 3109, and acceptance and utilization of voluntary and uncompensated services, \$1,860,000.

EMERGENCY FUND FOR THE PRESIDENT

For expenses necessary to enable the President, through such officers or agencies of the Government as he may designate, and without regard to such provisions of law regarding the expenditure of Government funds or the compensation and employment of persons in the Government service as he may specify, to provide in his discretion for emergencies affecting the national interest, security, or defense which may arise at home or abroad during the current fiscal year, \$1,000,000: *Provided*, That no part of this appropriation shall be available for allocation to finance a function or project for which function or project a budget estimate of appropriation was transmitted pursuant to law during the Ninety-first Congress, and such appropriation denied after consideration thereof by the Senate or House of Representatives or by the Committee on Appropriations of either body.

EXPENSES OF MANAGEMENT IMPROVEMENT

For expenses necessary to assist the President in improving the management of executive agencies and in obtaining greater economy and efficiency through the establishment of more efficient business methods in Government operations, including services as authorized by title 5, United States Code, section 3109, by allocation to any agency or office in the executive branch for the conduct, under the general direction of the Bureau of the Budget, of examinations and appraisals of, and the development and installation of improvements in, the organization and operations of such agency or of other agencies in the executive branch, \$350,000, to remain available until expended, and to be available without regard to the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended.

This title may be cited as the "Executive Office Appropriation Act, 1970".

TITLE IV—INDEPENDENT AGENCIES**ADMINISTRATIVE CONFERENCE OF THE UNITED STATES****SALARIES AND EXPENSES**

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act (78 Stat. 615), \$250,000.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS**SALARIES AND EXPENSES**

For expenses necessary to carry out the provisions of the Act of September 24, 1959 (73 Stat. 708-706), \$575,000.

COMMISSION ON OBSCENITY AND PORNOGRAPHY**SALARIES AND EXPENSES**

For expenses necessary for the Commission on Obscenity and Pornography, established by the Act of October 3, 1967 (Public Law 90-100), including hire of passenger motor vehicles, \$1,100,000, to remain available until September 30, 1970.

80 Stat. 416.

31 USC 665.
Citation of title.80 Stat. 388.
5 USC 571-576
and notes.80 Stat. 1162.
42 USC 4271-
4279.81 Stat. 253.
18 USC 1461
note.

TAX COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses, including contract stenographic reporting services, \$2,750,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Positions in the agencies covered by this Act, whether financed from funds contained in this Act or from other sources, may be filled during the fiscal year 1970 without regard to the provisions of section 201 of Public Law 90-364, and such positions shall not be taken into consideration in determining numbers of employees under subsection (a) of that section or numbers of vacancies under subsection (b) of that section.

SEC. 503. Section 5(b) of the Act entitled "An Act creating a commission to be known as the Commission on Obscenity and Pornography", approved October 3, 1967 (Public Law 90-100), as amended, is amended by striking out "July 31, 1970" and inserting in lieu thereof "September 30, 1970".

This Act may be cited as the "Treasury, Post Office, and Executive Office Appropriation Act, 1970".

Approved September 29, 1969.

Public Law 91-75

AN ACT

To provide for the disposition of a judgment recovered by the Confederated Salish and Kootenai Tribes of Flathead Reservation, Montana, in paragraph 11, docket numbered 50233, United States Court of Claims, and for other purposes.

September 29, 1969
[S.1766]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the funds appropriated to the credit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in satisfaction of a judgment awarded in paragraph 11 of the final decision in docket numbered 50233, United States Court of Claims, including interest thereon, after payment of attorneys' fees and other litigation expenses, may be advanced, expended, invested or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 2. Any part of such funds that may be distributed to members of the tribes shall not be subject to Federal or State income tax.

Approved September 29, 1969.

Indians.
Confederated
Salish and
Kootenai Tribes,
Mont.
Judgment funds.

Ante, p. 83.

Report to Presi-
dent and Con-
gress.
81 Stat. 255;
82 Stat. 197.
18 USC 1461
note.

Short title.

Public Law 91-76

September 29, 1969
[H. J. Res. 775]

JOINT RESOLUTION

To authorize the President to award, in the name of Congress, Congressional Space Medals of Honor to those astronauts whose particular efforts and contributions to the welfare of the Nation and of mankind have been exceptionally meritorious.

Whereas the United States has established and maintains a highly successful manned space flight program, dedicated to the peaceful exploration of space for the benefit of all mankind; and

Whereas the full strength of America's political, industrial, and technological capacity has been effectively teamed to create and support that program, but it cannot be carried out without the intelligence, the dedication, the bravery, and the self-sacrifice of the astronauts who test the hardware and who fly the missions into the hostile environment of space; and

Whereas the United States in its moments of triumph over the success of its space exploration must not forget those brave astronauts who have given their lives in the fullest measure of man's dedication to space exploration: Now, therefore, be it

Congressional
Space Medal of
Honor.

Appropriation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President may award, and present in the name of Congress, a medal of appropriate design, which shall be known as the Congressional Space Medal of Honor, to any astronaut who in the performance of his duties has distinguished himself by exceptionally meritorious efforts and contributions to the welfare of the Nation and of mankind.

SEC. 2. There is authorized to be appropriated from time to time such sums of money as may be necessary to carry out the purposes of this joint resolution.

Approved September 29, 1969.

Public Law 91-77

September 29, 1969
[S. 1888]

AN ACT

To change the composition of the Commission for Extension of the United States Capitol.

Commission for
Extension of the
United States
Capitol.
40 USC 166
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the paragraph entitled "Extension of the Capitol" under the heading "Capitol Buildings and Grounds" in the Legislative Appropriation Act, 1956 (69 Stat. 515), is amended by inserting after the words "the Speaker of the House of Representatives," and before the words "the minority leader of the Senate," the following: "the majority leader of the Senate, the majority leader of the House of Representatives,".

Approved September 29, 1969.

Public Law 91-78

JOINT RESOLUTION

September 30, 1969
[S.J. Res. 152]

To provide for the temporary extension of rural housing programs and Federal Housing Administration insurance authority, and to extend the period during which the Secretary of Housing and Urban Development may establish maximum interest rates on insured loans.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 513, 515(b)(5), and 517(a)(1) of the Housing Act of 1949 are amended respectively by striking out "October 1, 1969", wherever it appears in such sections, and inserting in lieu thereof "January 1, 1970".

SEC. 2. (a) Section 2(a) of the National Housing Act is amended by striking out "October 1, 1969" in the first sentence and inserting in lieu thereof "January 1, 1970".

(b) Section 217 of such Act is amended by striking out "October 1, 1969" and inserting in lieu thereof "January 1, 1970".

(c) Section 221(f) of such Act is amended by striking out "October 1, 1969" in the fifth sentence and inserting in lieu thereof "January 1, 1970".

(d) Section 809(f) of such Act is amended by striking out "October 1, 1969" in the second sentence and inserting in lieu thereof "January 1, 1970".

(e) Section 810(k) of such Act is amended by striking out "October 1, 1969" in the second sentence and inserting in lieu thereof "January 1, 1970".

(f) Section 1002(a) of such Act is amended by striking out "October 1, 1969" in the second sentence and inserting in lieu thereof "January 1, 1970".

(g) Section 1101(a) of such Act is amended by striking out "October 1, 1969" in the second sentence and inserting in lieu thereof "January 1, 1970".

SEC. 3. Section 3(a) of the Act of May 7, 1968 (Public Law 90-301), is amended by striking out "October 1, 1969" and inserting in lieu thereof "January 1, 1970".

Approved September 30, 1969.

Public Law 91-79

AN ACT

October 1, 1969
[H. R. 6508]

To provide additional assistance for the reconstruction of areas damaged by major disasters.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress hereby recognizes that a number of States have experienced extensive property loss and damage as a result of recent major disasters including, but not limited to, hurricanes, storms, floods, and high waters and

Disaster Relief
Act of 1969.

wind-driven waters and that there is a need for special measures designed to aid and accelerate the efforts of these affected States to reconstruct and rehabilitate the devastated areas.

Highway repairs.

SEC. 2. The President is authorized to allocate funds hereafter appropriated to carry out this section to those States affected by a major disaster for the permanent repair and reconstruction of those permanent street, road, and highway facilities not on any of the Federal-aid systems which were destroyed or damaged as a result of such a major disaster. No funds shall be allocated under this section for repair or reconstruction of such a street, road, or highway facility unless the affected State agrees to pay not less than 50 per centum of all costs of such repair or reconstruction.

Timber sale contracts.

SEC. 3. (a) Where an existing timber sale contract between the Secretary of Agriculture or the Secretary of the Interior and a timber purchaser does not provide relief from major physical change not due to negligence of the purchaser prior to approval of construction of any section of specified road or other specified development facility and, as a result of a major disaster in an affected State a major physical change results in additional construction work in connection with such road or facility by such purchaser with an estimated cost as determined by the appropriate Secretary (1) of more than \$1,000 for sales under one million board feet, or (2) of more than \$1 per thousand board feet for sales of one to three million board feet, or (3) of more than \$3,000 for sales over three million board feet, such increased-construction cost shall be borne by the United States.

Cancellation authority.

(b) Where the Secretary determines that damages are so great that restoration, reconstruction, or construction is not practical under the cost-sharing arrangement authorized by subsection (a) of this section, the Secretary may allow cancellation of the contract notwithstanding provisions therein.

Public notice of sale.

30 Stat. 35;
31 Stat. 661.

(c) The Secretary of Agriculture is authorized to reduce to seven days the minimum period of advance public notice required by the first section of the Act of June 4, 1897 (16 U.S.C. 476), in connection with the sale of timber from national forests, whenever the Secretary determines that (1) the sale of such timber will assist in the reconstruction of any area of an affected State damaged by a major disaster, (2) the sale of such timber will assist in sustaining the economy of such affected area, or (3) the sale of such timber is necessary to salvage the value of timber damaged in such major disaster or to protect undamaged timber.

Public land entrymen.

(d) The President, whenever he determines it to be in the public interest, and acting through the Director of the Office of Emergency Preparedness, is authorized to make grants to any State or political subdivision thereof, for the purpose of removing from privately owned lands timber damaged as a result of a major disaster and such State or political subdivision is authorized, upon application, to make payments to any person for reimbursement of expenses actually incurred by such person in the removal of damaged timber, but not to exceed the amount that such expenses exceed the salvage value of such timber.

SEC. 4. The Secretary of the Interior is authorized to give any public land entryman such additional time in which to comply with any requirement of law in connection with any public land entry for lands in any State affected by a major disaster as the Secretary finds appro-

priate because of interference with the entryman's ability to comply with such requirement as a result of such major disaster.

SEC. 5. The last paragraph under the center heading "Administrative Provisions" in title II of the Public Works Appropriation Act, 1967 (Public Law 89-689), is hereby repealed.

SEC. 6. In the administration of the disaster loan program under section 7(b)(1) of the Small Business Act, as amended (15 U.S.C. 636(b)), in the case of property loss or damage in any affected State resulting from a major disaster the Small Business Administration—

(1) to the extent such loss or damage is not compensated for by insurance or otherwise, (A) shall at the borrower's option on that part of any loan in excess of \$500 cancel (i) the interest due on the loan, or (ii) the principal of the loan, or (iii) any combination of such interest or principal except that the total amount so canceled shall not exceed \$1,800, and (B) may defer interest payments or principal payments, or both, in whole or in part, on such loan during the first three years of the term of the loan without regard to the ability of the borrower to make such payments.

(2) may grant any loan for the repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required financial assistance is otherwise available from private sources, except that (A) any loan made under authority of this paragraph shall bear interest at a rate equal to the average annual interest rate on all interest-bearing obligations of the United States having maturities of 20 years or more and forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan, adjusted to the nearest one-eighth of one per centum, and (B) no part of any loan made under authority of this paragraph shall be eligible for cancellation or deferral as authorized in paragraph (1) of this section.

(3) may in the case of the total destruction or substantial property damage of a home or business concern refinance any mortgage or other liens outstanding against the destroyed or damaged property if such financing is for the repair, rehabilitation, or replacement of property damaged or destroyed as a result of such disaster and any such refinancing shall be subject to the provisions of paragraphs (1) and (2) of this section.

SEC. 7. In the administration of the emergency loan program under subtitle C of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1961-1967), in the case of property loss or damage in any affected State resulting from a major disaster the Secretary of Agriculture—

(1) to the extent such loss or damage is not compensated for by insurance or otherwise, (A) shall at the borrower's option on that part of any loan in excess of \$500 cancel (i) the interest due on the loan, or (ii) the principal of the loan, or (iii) any combination of such interest or principal except that the total amount so cancelled shall not exceed \$1,800, and (B) may defer interest payments or principal payments, or both, in whole or in part, on such loan during the first three years of the term of the loan without regard to the ability of the borrower to make such payments.

(2) may grant any loan for the repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required financial assistance is otherwise available

Repeal.
80 Stat. 1010.

SBA disaster
loans.

72 Stat. 387.

Emergency
farm loans.

75 Stat. 311.

from private sources, except that (A) any loan made under authority of this paragraph shall bear interest at a rate equal to the average annual interest rate on all interest-bearing obligations of the United States having maturities of 20 years or more and forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan, adjusted to the nearest one-eighth of one per centum, and (B) no part of any loan made under authority of this paragraph shall be eligible for cancellation or deferral as authorized in paragraph (1) of this section.

(3) may in the case of the total destruction or substantial property damage of a home or business concern refinance any mortgage or other liens outstanding against the destroyed or damaged property if such financing is for the repair, rehabilitation, or replacement of property damaged or destroyed as a result of such disaster and any such refinancing shall be subject to the provisions of paragraphs (1) and (2) of this section.

SEC. 8. (a) The President is authorized to provide assistance to the States in developing comprehensive plans and practicable programs for assisting individuals suffering losses as the result of a major disaster. For the purposes of this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the territory of Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(b) The President is authorized to make grants not to exceed \$250,000 to any State, upon application therefor, in an amount not to exceed 50 per centum of the cost of developing the plans and programs referred to in subsection (a).

(c) Any State desiring assistance under this section shall designate or create an agency which is specially qualified to plan and administer such a disaster relief program, and shall, through such agency, submit a State plan to the President not later than December 31, 1970, which shall (1) set forth a comprehensive and detailed State program for assistance to individuals suffering losses as a result of a major disaster and (2) include provision for the appointment of a State coordinating officer to act in cooperation with the Federal coordinating officer required by section 9 of this Act.

(d) The President shall prescribe such rules and regulations as he deems necessary for the effective coordination and administration of this section.

(e) Upon the submission of such plans the President is authorized to report and recommend to the Congress, from time to time, programs for the Federal role in the implementation and funding of comprehensive disaster relief plans, and such other recommendations relating to the Federal role in disaster relief activities as he deems warranted.

SEC. 9. The President shall, immediately upon his designation of an area as a major disaster area, appoint a Federal coordinating officer to operate under the Office of Emergency Preparedness in such area. Such officer shall be responsible for the coordination of all Federal disaster relief and assistance, shall establish such field offices as may be necessary for the rapid and efficient administration of Federal disaster relief programs, and shall otherwise assist local citizens and public officials in promptly obtaining assistance to which they are entitled.

SEC. 10. (a) The President is authorized to provide on a temporary basis, as prescribed in this section, dwelling accommodations for individuals and families displaced by a major disaster.

State disaster
relief programs,
development.

"State."

State agency,
designation.

Report to
Congress.

Federal
coordinating
officer.
Appointment.

Temporary
dwellings.

(b) The President is authorized to provide such accommodations by (1) using any unoccupied housing owned by the United States under any program of the Federal Government, (2) arranging with a local public housing agency for using unoccupied public housing units, (3) acquiring existing dwellings through leasing, or (4) acquiring mobile homes or other readily fabricated dwellings, through leasing, to be placed on sites furnished by the State or local government or by the owner-occupant displaced by the major disaster, with no site charge being made. Rentals shall be established for such accommodations, under such rules and regulations as the President may prescribe and shall take into consideration the financial ability of the occupant. In cases of financial hardship, rentals may be compromised, adjusted, or waived for a period not to exceed twelve months, but in no case shall any such individual or family be required to incur a monthly housing expense (including any fixed expense relating to the amortization of debt owing on a house destroyed or damaged in a major disaster) which is in excess of 25 per centum of the individual's or family's monthly income.

(c) Dwelling accommodations may be made available under this section only to an individual who, or family which, as certified by such authority as may be designated by the President, had occupied a dwelling, as owner or tenant, that had been destroyed, or damaged to such an extent as to make it uninhabitable, as a result of such major disaster.

SEC. 11. (a) Whenever, as the result of a major disaster, the President determines that low-income households are unable to purchase adequate amounts of nutritious food, he is authorized, under such terms and conditions as he may prescribe, to distribute through the Secretary of Agriculture coupon allotments to such households pursuant to provisions of the Food Stamp Act of 1964 and to make surplus commodities available pursuant to the provisions of section 3 of Public Law 875 of the Eighty-first Congress.

Food coupon allotments.

78 Stat. 703.
7 USC 2011
note.
64 Stat. 1110;
67 Stat. 180.
42 USC 1855b.

(b) The President is authorized to continue through the Secretary of Agriculture to make such coupon allotments and surplus commodities available to such households for so long as he determines necessary, taking into consideration such factors as he deems appropriate, including the consequences of the major disaster on the earning power of the households to which assistance is made available under this section.

(c) Nothing in this section shall be construed as amending or otherwise changing the provisions of the Food Stamp Act of 1964 except as it relates to a Presidential determination regarding availability of food stamps in a major disaster.

SEC. 12. The President is authorized to provide to any individual unemployed as a result of a major disaster, such assistance as he deems appropriate while such individual is unemployed. Such assistance as the President shall provide shall not exceed the maximum amount and the maximum duration of payments under the unemployment compensation program of the State in which the disaster occurred and the amount of assistance under this section to any such individual shall be reduced by any amount of unemployment compensation or of private income protection insurance available to such individual for such period of unemployment.

Unemployment assistance.

SEC. 13. The President is authorized to make grants and loans to any State to assist such State in the suppression of any fire on publicly or privately owned forest or grass lands which threatens such destruction as to constitute a major disaster.

Fire suppression.

Debris removal.

SEC. 14. The President, whenever he determines it to be in the public interest, and acting through the Director of the Office of Emergency Preparedness, is authorized to make grants to any State or political subdivision thereof for the purpose of removing debris deposited on privately owned lands and on or in privately owned waters as a result of a major disaster, and such State or political subdivision is authorized, upon application, to make payments to any person for reimbursement of expenses actually incurred by such person in the removal of such debris, but not to exceed the amount that such expenses exceed the salvage value of such debris.

"Major disaster."

SEC. 15. (a) As used in this Act the term "major disaster" means a major disaster as determined by the President pursuant to the Act entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes", approved September 30, 1950, as amended (42 U.S.C. 1855-1855g), which disaster occurred after June 30, 1967, and on or before December 31, 1970.

(b) This Act, other than sections 5, 8, 9, and 13, shall not be in effect after December 31, 1970, except as it applies to major disasters occurring before such date.

SEC. 16. This Act may be cited as the "Disaster Relief Act of 1969".

Approved October 1, 1969.

64 Stat. 1109.

Termination date.

Short title.

Public Law 91-80

October 1, 1969
[H. R. 9526]

D.C. Unemployment Compensation Act, amendment.
57 Stat. 100;
72 Stat. 417.

59 Stat. 669;
80 Stat. 5.

AN ACT

To amend the District of Columbia Unemployment Compensation Act to provide that employer contributions do not have to be made under that Act with respect to service performed in the employ of certain public international organizations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) (5) of section 1 of the District of Columbia Unemployment Compensation Act (D.C. Code, sec. 46-301(b) (5)) is amended—

(1) by striking out the period at the end of clauses (P) and (R) and inserting at the end of such clauses a semicolon, and

(2) by adding after clause (S) the following new clause:

"(T) service performed after April 1, 1962, in the employ of a public international organization designated by the President as entitled to enjoy the privileges, exemptions, and immunities provided under the International Organizations Immunities Act (22 U.S.C. 288-288f-1)."

Approved October 1, 1969.

Public Law 91-81

October 8, 1969
[S. 574]

Water resource development projects.
Feasibility studies.

AN ACT

To authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to engage in feasibility studies of the following proposals:

(1) Missouri River Basin project, Oregon Trail division, Corn Creek unit, in south-central Goshen County, in the vicinity of Hawk Springs, Wyoming;

(2) Missouri River Basin project, Longs Peak division, Front Range unit, in Cache la Poudre River and Saint Vrain Creek Basins and adjacent areas in the general vicinity of Boulder, Colorado;

(3) Missouri River Basin project, Upper Republican division, Ar-mel unit, on the South Fork of the Republican River in the vicinity of Hale, Colorado;

(4) Shoshone project, Buffalo Bill Dam modifications, the Shoshone River, about five miles west of Cody, Wyoming;

(5) Missouri River Basin project, James Division, Sioux Falls unit, in the Big Sioux River Basin in the vicinity of Sioux Falls, South Dakota;

(6) Amargosa project, in the Amargosa River Basin in the vicinity of Beatty, Nevada, and Death Valley Junction, California;

(7) Willamette River project, Calapooia division, in the Calapooia River Basin in Linn County, Oregon; and

(8) Willamette River project, South Yamhill division, on the South Yamhill and Willamette Rivers in Yamhill and Polk Counties, Oregon.

Approved October 8, 1969.

Public Law 91-82

AN ACT

To designate the Desolation Wilderness, Eldorado National Forest, in the State of California.

October 10, 1969
[S. 713]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Desolation Valley Primitive Area, with the proposed additions thereto and deletions therefrom as generally depicted on a map entitled "Desolation Wilderness—Proposed," dated April 26, 1967, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Desolation Wilderness within and as part of the Eldorado National Forest, comprising an area of approximately sixty-three thousand five hundred acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Desolation Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Desolation Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and except that the owners and operators of existing federally licensed hydroelectric facilities shall have the right of reasonable access to the areas for purposes of operating and maintaining such facilities in a manner that is consistent with past practices without prior approval of the Secretary.

SEC. 4. The previous classification of the Desolation Valley Primitive Area is hereby abolished.

Approved October 10, 1969.

Desolation
Wilderness,
Eldorado National
Forest, Calif.
Designation.
16 USC 1132.

Filing of map,
etc.

Administration.

Public Law 91-83

October 10, 1969
[H. R. 10420]

Maryland.
Land convey-
ance.

AN ACT

To permit certain real property in the State of Maryland to be used for highway purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the requirements of the proviso in section 3 of the Act of March 4, 1923 (42 Stat. 1450), the mayor and city council of Baltimore, Maryland, are authorized to convey approximately eight acres, of the approximately forty-five and five-tenths acres conveyed under authority of such Act, to the State of Maryland: Provided, however, That the conveyance of such real property to the State of Maryland shall be upon the condition and limitation that such property shall be limited to use for highway purposes and upon cessation of such use shall revert to the Mayor and City Council of Baltimore and again become subject to the conditions and restrictions of the conveyance by the United States under authority of such Act and the proviso of section 3 of such Act. Any consideration received from the State of Maryland for such conveyance shall be used for the development of the remaining real property for park purposes.

Approved October 10, 1969.

Public Law 91-84

October 10, 1969
[S. 2462]

American Revo-
lution Bicen-
tennial Com-
mission.

Report
extension.

Appropriation.

AN ACT

To amend the joint resolution establishing the American Revolution Bicentennial Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint Resolution To Establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended by the Act of December 12, 1967 (81 Stat. 567), is further amended—

(1) by striking out "July 4, 1969" in section 3(d), and inserting in lieu thereof "July 4, 1970"; and

(2) by striking out "fiscal year 1969" in section 7(a), and inserting in lieu thereof "fiscal year 1970".

Approved October 10, 1969.

Public Law 91-85

October 10, 1969
[H. R. 4152]

Department of
Commerce.
Maritime pro-
grams.
Appropriation.

AN ACT

To authorize appropriations for certain maritime programs of the Department of Commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated without fiscal year limitation as the appropriation Act may provide for the use of the Department of Commerce, for the fiscal year 1970, as follows:

(a) acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, \$145,000,000;

- (b) payment of obligations incurred for operating-differential subsidy, \$212,000,000;
- (c) expenses necessary for research and development activities, \$12,000,000;
- (d) reserve fleet expenses, \$5,174,000;
- (e) maritime training at the Merchant Marine Academy at Kings Point, New York, \$6,164,000;
- (f) financial assistance to State marine schools, \$2,270,000; and
- (g) reimbursement of the vessel operations revolving fund for losses resulting from expenses of experimental ship operations, \$2,000,000.

Approved October 10, 1969.

Public Law 91-86

AN ACT

To amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child-care centers for preschool and school-age dependents of employees.

October 14, 1969
[S. 2068]

Labor-Management Relations Act, 1947, amendment.
73 Stat. 538.
29 USC 186.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302(c) of the Labor-Management Relations Act, 1947, is amended by striking out "or (6)" and inserting in lieu thereof "(6)" and by adding immediately before the period at the end thereof the following: ";" or (7) with respect to money or other thing of value paid by any employer to a pooled or individual trust fund established by such representative for the purpose of (A) scholarships for the benefit of employees, their families, and dependents for study at educational institutions, or (B) child care centers for preschool and school age dependents of employees: Provided, That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice: Provided further, That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds".

Approved October 14, 1969.

Public Law 91-87

JOINT RESOLUTION

To authorize the President to designate the period beginning November 16, 1969, and ending November 22, 1969, as "National Family Health Week".

October 15, 1969
[S. J. Res. 46]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Members of the Ninety-first Congress request the President of the United States officially to proclaim the week of November 16 to 22 as National Family Health Week as a means of focusing national attention during the year upon the accomplishments of the American health care system and the central role played by the family physician in the maintenance of superior medical care for Americans of all ages and from all walks of life.

National Family Health Week.

Approved October 15, 1969.

Public Law 91-88

October 17, 1969
[S. 2564]

AN ACT

To amend the Act fixing the boundary of Everglades National Park, Florida, and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park.

Everglades
National Park,
Fla.
Land acquisition.

Appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act entitled "An Act to fix the boundary of Everglades National Park, Florida, to authorize the Secretary of the Interior to acquire land therein and to provide for the transfer of certain land not included within said boundary, and for other purposes" (72 Stat. 280, 286; 16 U.S.C. 410p), is amended by inserting "(a)" after "SEC. 8.", and by inserting at the end of such section a new subsection as follows:

"(b) In addition to the amount authorized in subsection (a) of this section there is authorized to be appropriated such amount, not in excess of \$700,200, as is necessary for the acquisition, in accordance with the provisions of this Act, of the following described privately owned lands:

"Sections 3, 4, and 5; section 6, less the west half of the northwest quarter; sections 7, 8, 9, and 10; north half of section 15; and sections 17 and 18, all in township 59 south, range 37 east, Tallahassee meridian."

Approved October 17, 1969.

Public Law 91-89

October 17, 1969
[S. 1836]

AN ACT

To amend the Federal Seed Act (53 Stat. 1275), as amended.

Federal Seed
Act, amendment.
72 Stat. 476.
7 USC 1561.
"Seed certifying agency."

Certified seed.
Class specifica-
tions, etc.
7 USC 1562.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(a)(25) of the Federal Seed Act is amended to read as follows:

"(25) The term 'seed certifying agency' means (A) an agency authorized under the laws of a State, Territory, or possession, to officially certify seed and which has standards and procedures approved by the Secretary (after due notice, hearings, and full consideration of the views of farmer users of certified seed and other interested parties) to assure the genetic purity and identity of the seed certified, or (B) an agency of a foreign country determined by the Secretary of Agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies under (A)."

Sec. 2. Section 102 of such Act is amended to read as follows:

"Sec. 102. Any labeling, advertisement, or other representation subject to this Act which represents that any seed is certified seed or any class thereof shall be deemed to be false in this respect unless (a) it has been determined by a seed certifying agency that such seed conformed to standards of genetic purity and identity as to kind or variety, and is in compliance with the rules and regulations of such agency pertaining to such seed; and (b) the seed bears an official label issued for such seed by a seed certifying agency certifying that the seed is of a specified class and a specified kind or variety."

Approved October 17, 1969.

Public Law 91-90

AN ACT

To amend the John F. Kennedy Center Act to authorize additional funds for such Center.

October 17, 1969
[H. R. 11249]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 8 of the John F. Kennedy Center Act (Public Laws 85-874, 88-260) is amended by striking out "\$15,500,000" and inserting in lieu thereof "\$23,000,000".

John F. Kennedy
Center Act.
Appropriation.
72 Stat. 1698;
78 Stat. 4.

(b) Section 9 of the John F. Kennedy Center Act is amended by striking out "\$15,400,000" each of the two places it appears and inserting in lieu thereof in each such place "\$20,400,000".

Approved October 17, 1969.

Public Law 91-91

JOINT RESOLUTION

Request the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival".

October 17, 1969
[H. J. Res. 851]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That as a token of man's gratitude for the bounty of nature and the annual harvest of farm and field, and in recognition of bread as a symbol of all foods, that Tuesday, the 28th day of October, 1969, be designated as a "Day of Bread" as a part of international observances, and that the last week of October within which it falls be designated as a period of "Harvest Festival," and the President is requested to issue a proclamation calling on the people of the United States to join with those of other Nations to observe this "Day of Bread" and "Harvest Festival" with appropriate ceremonies and activities.

Day of Bread
and Harvest
Festival.
Proclamation.

Approved October 17, 1969.

Public Law 91-92

JOINT RESOLUTION

To authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week".

October 17, 1969
[S. J. Res. 150]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the need to preserve the Nation's primary natural resource—its employed population—and in recognition of those individuals and organizations seeking to protect and improve the health of the Nation's work force through the coordinated scientific measures, technological and engineering controls which characterize industrial hygiene, the President is authorized and requested to issue a proclamation designating the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week," and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

National
Industrial Hy-
giene Week.
Proclamation.

Approved October 17, 1969.

Public Law 91-93

October 20, 1969
[H. R. 9825]

Civil Service
Retirement
Amendments of
1969.

80 Stat. 564;
81 Stat. 213.

"Normal cost."

"Fund
balance."

"Unfunded
liability."

Post, p. 137.

Agency-
employee con-
tributions.
80 Stat. 569.

AN ACT

To amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Service Retirement Amendments of 1969".

TITLE I—CIVIL SERVICE RETIREMENT FINANCING

SEC. 101. Section 8331 of title 5, United States Code, is amended—

- (1) by striking out "and" at the end of paragraph (15);
- (2) by striking out the period at the end of paragraph (16) and inserting a semicolon in lieu thereof; and
- (3) by adding immediately below paragraph (16) the following new paragraphs:

"(17) 'normal cost' means the entry-age normal cost computed by the Civil Service Commission in accordance with generally accepted actuarial practice and expressed as a level percentage of aggregate basic pay;

"(18) 'Fund balance' means the sum of—

“(A) the investments of the Fund calculated at par value; and

“(B) the cash balance of the Fund on the books of the Treasury; and

“(19) 'unfunded liability' means the estimated excess of the present value of all benefits payable from the Fund to employees and Members, and former employees and Members, subject to this subchapter, and to their survivors, over the sum of—

“(A) the present value of deductions to be withheld from the future basic pay of employees and Members currently subject to this subchapter and of future agency contributions to be made in their behalf; plus

“(B) the present value of Government payments to the Fund under section 8348(f) of this title; plus

“(C) the Fund balance as of the date the unfunded liability is determined.”

SEC. 102. (a) Section 8334 of title 5, United States Code, is amended—

- (1) by amending subsection (a) to read as follows:

“(a)(1) The employing agency shall deduct and withhold 7 percent of the basic pay of an employee, 7½ percent of the basic pay of a Congressional employee, and 8 percent of the basic pay of a Member. An equal amount shall be contributed from the appropriation or fund used to pay the employee or, in the case of an elected official, from an appropriation or fund available for payment of other salaries of the same office or establishment. When an employee in the legislative branch is paid by the Clerk of the House of Representatives, the Clerk may pay from the contingent fund of the House the contribution that otherwise would be contributed from the appropriation or fund used to pay the employee.

“(2) The amounts so deducted and withheld, together with the amounts so contributed, shall be deposited in the Treasury of the United States to the credit of the Fund under such procedures as the Comptroller General of the United States may prescribe. Deposits made by an employee or Member also shall be credited to the Fund.”; and

(2) by amending subsection (c) to read as follows:

“(c) Each employee or Member credited with civilian service after July 31, 1920, for which retirement deductions or deposits have not been made, may deposit with interest an amount equal to the following percentages of his basic pay received for that service:

	“Percentage of basic pay	Service period
Employee-----	$2\frac{1}{2}$	August 1, 1920, to June 30, 1926.
	$3\frac{1}{2}$	July 1, 1926, to June 30, 1942.
	5-----	July 1, 1942, to June 30, 1948.
	6-----	July 1, 1948, to October 31, 1956.
	$6\frac{1}{2}$	November 1, 1956, to December 31, 1969.
	7-----	After December 31, 1969.
Member or employee for Congressional employee service-----	$2\frac{1}{2}$	August 1, 1920, to June 30, 1926.
	$3\frac{1}{2}$	July 1, 1926, to June 30, 1942.
	5-----	July 1, 1942, to June 30, 1948.
	6-----	July 1, 1948, to October 31, 1956.
	$6\frac{1}{2}$	November 1, 1956, to December 31, 1969.
	$7\frac{1}{2}$	After December 31, 1969.
Member for Member service-----	$2\frac{1}{2}$	August 1, 1920, to June 30, 1926.
	$3\frac{1}{2}$	July 1, 1926, to June 30, 1942.
	5-----	July 1, 1942, to August 1, 1946.
	6-----	August 2, 1946, to October 31, 1956.
	$7\frac{1}{2}$	November 1, 1956, to December 31, 1969.
	8-----	After December 31, 1969.

Notwithstanding the foregoing provisions of this subsection, the deposit with respect to a period of service referred to in section 8332(b)(6) of this title performed before January 1, 1969, shall be an amount equal to 55 percent of a deposit computed in accordance with such provisions.”.

(b) The amendment made by subsection (a)(1) of this section shall become effective at the beginning of the first applicable pay period beginning after December 31, 1969.

Sec. 103. (a) Section 8348 of title 5, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

“(a) There is a Civil Service Retirement and Disability Fund. The Fund—

(1) is appropriated for the payment of—

“(A) benefits as provided by this subchapter; and

“(B) administrative expenses incurred by the Civil Service Commission in placing in effect each annuity adjustment granted under section 8340 of this title; and

“(2) is made available, subject to such annual limitation as the Congress may prescribe, for any expenses incurred by the Commission in connection with the administration of this chapter and other retirement and annuity statutes.”; and

(2) by striking out subsections (f) and (g) and inserting in lieu thereof:

“(f) Any statute which authorizes—

“(1) new or liberalized benefits payable from the Fund, including annuity increases other than under section 8340 of this title;

“(2) extension of the coverage of this subchapter to new groups of employees; or

“(3) increases in pay on which benefits are computed;

is deemed to authorize appropriations to the Fund to finance the unfunded liability created by that statute, in 30 equal annual install-

Deposits.
80 Stat. 570.
5 USC 8334.

82 Stat. 757.

Effective date.

Civil Service
Retirement and
Disability Fund.
81 Stat. 218.

81 Stat. 215;
Post, p. 139.

Payments for
future benefits.
80 Stat. 584.

ments with interest computed at the rate used in the then most recent valuation of the Civil Service Retirement System and with the first payment thereof due as of the end of the fiscal year in which each new or liberalized benefit, extension of coverage, or increase in pay is effective.

Unfunded liability obligations.

Report to President and Congress.
Effective date.

80 Stat. 403.

Repeal.

Average pay computation.
80 Stat. 566.

Post, p. 140.
80 Stat. 569.

Ante, p. 136.

80 Stat. 569;
81 Stat. 214.

(g) At the end of each fiscal year, the Commission shall notify the Secretary of the Treasury of the amount equivalent to (1) interest on the unfunded liability computed for that year at the interest rate used in the then most recent valuation of the System, and (2) that portion of disbursement for annuities for that year which the Commission estimates is attributable to credit allowed for military service. Before closing the accounts for each fiscal year, the Secretary shall credit to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated, the following percentages of such amounts: 10 percent for 1971; 20 percent for 1972; 30 percent for 1973; 40 percent for 1974; 50 percent for 1975; 60 percent for 1976; 70 percent for 1977; 80 percent for 1978; 90 percent for 1979; and 100 percent for 1980 and for each fiscal year thereafter. The Commission shall report to the President and to the Congress the sums credited to the Fund under this subsection.”.

(b) (1) The provisions of subsection (g) of section 8348 of title 5, United States Code, as contained in the amendment made by subsection (a) (2) of this section, shall become effective at the beginning of the fiscal year which ends on June 30, 1971.

(2) Paragraph (1) of this subsection shall not be held or considered to continue in effect after the enactment of this Act the provisions of section 8348(g) of title 5, United States Code, as in effect immediately prior to such enactment.

SEC. 104. Section 1308(c) of title 5, United States Code, is amended by striking out “on a normal cost plus interest basis”.

SEC. 105. The proviso under the heading “CIVIL SERVICE COMMISSION” and under the subheading “PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND” in title I of the Independent Offices Appropriation Act, 1962 (75 Stat. 345; Public Law 87-141), is repealed.

TITLE II—CIVIL SERVICE RETIREMENT BENEFITS

SEC. 201. (a) Paragraph (4)(A) of section 8331 of title 5, United States Code, is amended to read as follows:

“(A) over any 3 consecutive years of creditable service or, in the case of an annuity under subsection (d) or (e)(1) of section 8341 of this title based on service of less than 3 years, over the total service; or”.

(b) Subsection (c) of section 8333 of title 5, United States Code, is amended to read as follows:

“(c) A Member or his survivor is eligible for an annuity under this subchapter only if the amounts named by section 8334 of title 5 have been deducted or deposited with respect to his last 5 years of civilian service, or, in the case of a survivor annuity under section 8341 (d) or (e)(1) of this chapter, with respect to his total service.”

SEC. 202. Subsection (g) of section 8334 of title 5, United States Code, is amended—

(1) by striking out the word “or” at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and the word “or”; and

(3) by adding the following new paragraph immediately below paragraph (4):

“(5) days of unused sick leave credited under section 8339(m) of this title.”

Infra.

SEC. 203. Section 8339 of title 5, United States Code, is amended—

80 Stat. 574.

(1) by striking out of subsection (b) the words “so much of his service as a Congressional employee and his military service as does not exceed a total of 15 years” and inserting in lieu thereof “his service as a Congressional employee, his military service not exceeding 5 years;”;

(2) by amending subsection (c) (2) to read as follows:

“(2) his Congressional employee service;”;

(3) by striking out the last full sentence of subsection (f);

(4) by striking out “(excluding any increase because of retirement under section 8337 of this title)” in subsection (i); and

(5) by adding at the end thereof the following new subsection:

“(m) In computing any annuity under subsections (a)–(d) of this section, the total service of an employee who retires on an immediate annuity or dies leaving a survivor or survivors entitled to annuity includes, without regard to the limitations imposed by subsection (e) of this section, the days of unused sick leave to his credit under a formal leave system, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter.”.

*Unused sick
leave credit.*

SEC. 204. (a) Subsection (b) of section 8340 of title 5, United States Code, is amended by inserting “1 percent plus” immediately after the word “by”.

*Cost-of-
living adjust-
ment.
81 Stat. 215.*

(b) Subsection (c) (2) of such section is amended to read as follows:

“(2) For the purpose of computing the annuity of a child under section 8341(e) of this title that commences on or after the first day of the first month that begins on or after the date of enactment of the Civil Service Retirement Amendments of 1969, the items \$900, \$1,080, \$2,700, and \$3,240 appearing in section 8341(e) of this title shall be increased by the total percent increases allowed and in force under this section on or after such day and, in case of a deceased annuitant, the items 60 percent and 75 percent appearing in section 8341(e) of this title shall be increased by the total percent allowed and in force to the annuitant under this section on or after such day.”

Post, p. 140.

SEC. 205. The provisions of subsection (b) (1), (d) (3), and (g) of section 8341 of title 5, United States Code, also shall apply in the case of any widow or widower—

*Remarriage
provisions.
81 Stat. 216,
217.*

(1) of an employee who died, retired, or was otherwise finally separated before July 18, 1966;

(2) who shall have remarried on or after such date; and

(3) who, immediately before such remarriage, was receiving annuity from the Civil Service Retirement and Disability Fund; except that no annuity shall be paid by reason of this section for any period prior to the enactment of this section. No annuity shall be terminated solely by reason of the enactment of this section. Notwithstanding the prohibition contained in the first sentence of this section on the payment of annuity for any period prior to the enactment of this section, in any case in which the Civil Service Commission determines that—

(1) the remarriage of any widow or widower described in such sentence was entered into by the widow or widower in good faith and in reliance on erroneous information provided by Government authority prior to that remarriage that the then existing survivor annuity of the widow or widower would not be terminated because of the remarriage; and

(2) such annuity was terminated by law because of that remarriage;

then payment of annuity may be made by reason of this section in such case, beginning as of the effective date of the termination because of the remarriage.

Survivor annuities.
80 Stat. 578.

80 Stat. 574;
81 Stat. 642.

81 Stat. 216.

81 Stat. 215;
Ante, p. 139.

Applicability.

70 Stat. 743.
5 USC 8331-
8348.

SEC. 206. (a) The first sentence of subsection (d) of section 8341 of title 5, United States Code, is amended to read as follows: "If an employee or Member dies after completing at least 18 months of civilian service, the widow or dependent widower of the employee or Member is entitled to an annuity equal to 55 percent of an annuity computed under section 8339 (a)-(e) and (h) of this title as may apply with respect to the employee or Member, except that in the computation of the annuity under such section, the annuity of the employee or Member shall be at least the smaller of (i) 40 percent of his average pay, or (ii) the sum obtained under such section after increasing his service of the type last performed by the period elapsing between the date of death and the date he would have become 60 years of age."

(b) Subsection (e) (1) of such section is amended to read as follows:

"(e)(1) If an employee or Member dies after completing at least 18 months of civilian service, or an employee or Member dies after retiring under this subchapter, and is survived by a spouse, each surviving child is entitled to an annuity equal to the smallest of—

"(A) 60 percent of the average pay of the employee or Member divided by the number of children;

"(B) \$900; or

"(C) \$2,700 divided by the number of children;

subject to section 8340 of this title. If the employee or Member is not survived by a spouse, each surviving child is entitled to an annuity equal to the smallest of—

"(i) 75 percent of the average pay of the employee or Member divided by the number of children;

"(ii) \$1,080; or

"(iii) \$3,240 divided by the number of children;

subject to section 8340 of this title."

SEC. 207. (a) The amendments made by sections 201, 202, 203, and 206(a) of this Act shall not apply in the cases of persons retired or otherwise separated prior to the date of enactment of this Act, and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if such sections had not been enacted.

(b) The amendments made by section 204(a) of this Act to section 8340 of title 5, United States Code, shall apply only to annuity increases which become effective under such section 8340 after the date of enactment of this Act.

(c) (1) The amendment made by section 206(b) of this Act shall become effective on the first day of the first month which begins on or after the date of enactment of this Act.

(2) The annuity of each surviving child who, immediately prior to the effective date of such amendment is receiving an annuity under section 8341(e) of title 5, United States Code, or under a comparable provision of any prior law, or who hereafter becomes entitled to receive annuity under the Act of May 29, 1930, as amended from and after February 28, 1948, shall be recomputed effective on such date, or computed from commencing date if later, in accordance with such amendment. No increase allowed and in force prior to such date shall be included in the computation or recomputation of any such annuity. This paragraph shall not operate to reduce any annuity.

Approved October 20, 1969.

Public Law 91-94

JOINT RESOLUTION
To amend section 19(e) of the Securities Exchange Act of 1934.

October 20, 1969
[S. J. Res. 112]

Whereas additional time is required for the Securities and Exchange Commission to complete its institutional investors study, and file a report with respect thereto, pursuant to section 19(e) of the Securities Exchange Act of 1934: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(e)) is amended—

Securities Ex-
change Act of
1934, amendment.
82 Stat. 453.

(1) by striking out in paragraph (1) “September 1, 1969” and inserting in lieu thereof “September 1, 1970”; and

(2) by striking out in paragraph (4) “\$875,000” and inserting in lieu thereof “\$945,000”.

Approved October 20, 1969.

Public Law 91-95

AN ACT

To authorize special allowances for lenders with respect to insured student loans under title IV-B of the Higher Education Act of 1965 when necessary in the light of economic conditions in order to assure that students will have reasonable access to such loans for financing their education, and to increase the authorizations for certain other student assistance programs.

October 22, 1969
[H. R. 13194]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Emergency Insured Student Loan Act of 1969”.

Emergency
Insured Student
Loan Act of 1969.

INCENTIVE PAYMENTS ON INSURED STUDENT LOANS

SEC. 2. (a) (1) Whenever the Secretary of Health, Education, and Welfare determines that the limitations on interest or other conditions (or both) applicable under part B of title IV of the Higher Education Act of 1965 (Public Law 89-329) to student loans eligible for insurance by the Commissioner of Education or under a State or nonprofit private insurance program covered by an agreement under section 428(b) of such Act, considered in the light of the then current economic conditions and in particular the relevant money market, are impeding or threatening to impede the carrying out of the purposes of such part B and have caused the return to holders of such loans to be less than equitable, he is hereby authorized, by regulation applicable to a three-month period specified therein, to prescribe (after consultation with the Secretary of the Treasury and the heads of other appropriate agencies) a special allowance to be paid by the Commissioner of Education to each holder of an eligible loan or loans. The amount of such allowance to any holder with respect to such period shall be a percentage, specified in such regulation, of the average unpaid balance of disbursed principal (not including interest added to principal) of all eligible loans held by such holder during such period, which balance shall be computed in a manner specified

79 Stat. 1236.
20 USC 1071-
1087.

Amount.

National or
regional allow-
ance rates.

in such regulation; but no such percentage shall be set at a rate in excess of 3 per centum per annum.

(2) A determination pursuant to paragraph (1) may be made by the Secretary of Health, Education, and Welfare, on a national, regional, or other appropriate basis and the regulation based thereon may, accordingly, set differing allowance rates for different regions or other areas or classifications of lenders, within the limit of the maximum rate set forth in paragraph (1).

(3) For each three-month period with respect to which the Secretary of Health, Education, and Welfare prescribes a special allowance, the determination required by paragraph (1) shall be made, and the percentage rate applicable thereto shall be set, by promulgation of a new regulation or by amendment to a regulation applicable to a prior period or periods.

(4) The special allowance established for any such three-month period shall be payable at such time, after the close of such period, as may be specified by or pursuant to regulations promulgated under this Act. The holder of a loan with respect to which any such allowance is to be paid shall be deemed to have a contractual right, as against the United States, to receive such allowance from the Commissioner.

(5) Each regulation or amendment, prescribed under this Act, which establishes a special allowance with respect to a three-month period specified in the regulation or amendment shall, notwithstanding section 505 of the Higher Education Amendments of 1968, apply to the three-month period immediately preceding the period in which such regulation or amendment is published in the Federal Register, except that the first such regulation may be made effective as of August 1, 1969, and notwithstanding other provisions of this section requiring a three-month period, may be made effective for a period of less than three months.

Discrimination.

79 Stat. 1236.
20 USC 1071-
1087.

Report to
Congress.

Financial as-
sistance oppor-
tunities.
Regulations by
HEW Secretary.

(6) (A) The Secretary of Health, Education, and Welfare shall determine, with respect to the student insured loan program as authorized under part B of title IV of the Higher Education Act of 1965 and this Act, whether there are any practices of lending institutions which may result in discrimination against particular classes or categories of students, including the requirement that as a condition to the receipt of a loan the student or his family maintain a business relationship with the lender, the consequences of such requirement, and the practice of refusing to make loans to students for their freshman year of study, and also including any discrimination on the basis of sex, color, creed, or national origin. The Secretary shall make a report with respect to such determination, and his recommendations, to the Congress on or before March 1, 1970.

(B) If, after making such determination, the Secretary finds that, in any area, a substantial number of eligible students are denied a fair opportunity to obtain an insured student loan because of practices of lending institutions in the area which limit student participation, (i) he shall take such steps as may be appropriate, after consultation with the appropriate State guarantee agencies and the Advisory Council on Financial Aid to Students, relating to such practices and to encourage the development in such area of a plan to increase the availability of financial assistance opportunities for such students, and (ii) he shall, within sixty days after making such determination, adopt or amend

appropriate regulations pertaining to the student insured loan program to prevent, where practicable, any practices which he finds have denied loans to a substantial number of students.

(7) As used in this Act, the term "eligible loan" means a loan made on or after August 1, 1969, and prior to July 1, 1971, which is insured under title IV-B of the Higher Education Act of 1965, or made under a program covered by an agreement under section 428(b) of such Act.

(b) The Commissioner of Education shall pay to the holder of an eligible loan, at such time or times as are specified in regulations, a special allowance prescribed pursuant to subsection (a), subject to the condition that such holder shall submit to the Commissioner, at such time or times and in such manner as he may deem proper, such information as may be required by regulation for the purpose of enabling the Secretary of Health, Education, and Welfare and the Commissioner to carry out their functions under this Act and to carry out the purposes of this Act.

(c) (1) There are hereby authorized to be appropriated for special allowances as authorized by this section not to exceed \$20,000,000 for the fiscal year ending June 30, 1970, \$40,000,000 for the fiscal year ending June 30, 1971, and for succeeding fiscal years such sums as may be necessary.

(2) Sums available for expenditure pursuant to appropriations made for the fiscal year ending June 30, 1969, under section 421(b) (other than clause (1) thereof) of the Higher Education Act of 1965 shall be available for payment of special allowances under this Act. The authorization in paragraph (1) shall be reduced by the amount made available pursuant to this paragraph.

"Eligible
loan."

20 USC 1078.

Appropriation.

79 Stat. 1236;
82 Stat. 1021.
20 USC 1071.

INCREASED AUTHORIZATION FOR THE NATIONAL DEFENSE STUDENT LOAN PROGRAM

SEC. 3. Section 201 of the National Defense Education Act of 1958 is amended by striking out "\$275,000,000 for the fiscal year ending June 30, 1970, and, \$300,000,000 for the fiscal year ending June 30, 1971" and inserting in lieu thereof "\$325,000,000 for the fiscal year ending June 30, 1970, and \$375,000,000 for the fiscal year ending June 30, 1971".

82 Stat. 1034.
20 USC 421.

INCREASED AUTHORIZATION FOR THE EDUCATIONAL OPPORTUNITY GRANT PROGRAM

SEC. 4. Section 401(b) of the Higher Education Act of 1965 is amended by striking out "\$100,000,000 for the fiscal year ending June 30, 1970, and \$140,000,000 for the fiscal year ending June 30, 1971" and inserting in lieu thereof "\$125,000,000 for the fiscal year ending June 30, 1970, and \$170,000,000 for the fiscal year ending June 30, 1971".

82 Stat. 1017.
20 USC 1061.

INCREASED AUTHORIZATION FOR THE WORK-STUDY PROGRAM

SEC. 5. Section 441(b) of the Higher Education Act of 1965 is amended by striking out "\$250,000,000 for the fiscal year ending June 30, 1970, and \$285,000,000 for the fiscal year ending June 30, 1971" and inserting in lieu thereof "\$275,000,000 for the fiscal year ending June 30, 1970, and \$320,000,000 for the fiscal year ending June 30, 1971".

82 Stat. 1028.
42 USC 2751.

Approved October 22, 1969.

Public Law 91-96

October 27, 1969
[S. 1471]

Veterans.
Dependency
and indemnity
compensation,
increase.
72 Stat. 1126;
80 Stat. 873.

72 Stat. 1110;
79 Stat. 1156.
38 USC 106.

AN ACT

To amend title 38 of the United States Code to increase the rates of dependency and indemnity compensation payable to widows of veterans, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 402 of title 38, United States Code, is amended to read as follows:

“§ 402. Determination of pay grade

“(a) With respect to a veteran who died in the active military, naval, or air service, his pay grade shall be determined as of the date of his death.

“(b) With respect to a veteran who did not die in the active military, naval, or air service, his pay grade shall be determined as of—

(1) the time of his last discharge or release from active duty under conditions other than dishonorable; or

(2) the time of his discharge or release from any period of active duty for training or inactive duty training, if his death results from service-connected disability incurred during such period and if he was not thereafter discharged or released under conditions other than dishonorable from active duty.

“(c) The pay grade of any veteran described in section 106(b) of this title shall be that to which he would have been assigned upon final acceptance or entry upon active duty.

“(d) If a veteran has satisfactorily served on active duty for a period of six months or more in a pay grade higher than that specified in subsection (a) or (b) and any subsequent discharge or release from active duty was under conditions other than dishonorable, the higher pay grade shall be used if it will result in greater monthly payments to his widow under this chapter. The determination as to whether an individual has served satisfactorily for the required period in a higher pay grade shall be made by the Secretary of the Department in which such higher pay grade was held.

“(e) The pay grade of any person not otherwise described in this section, but who had a compensable status on the date of his death under laws administered by the Veterans' Administration, shall be determined by the head of the department under which such person performed the services by which he obtained such status (taking into consideration his duties and responsibilities) and certified to the Administrator. For the purposes of this chapter, such person shall be deemed to have been on active duty while performing such services.”

SEC. 2. Section 403 of title 38, United States Code, is amended by striking out the last sentence of the section.

SEC. 3. Section 411 of title 38, United States Code, is amended to read as follows:

and (2) by striking out

"421. Certifications with respect to basic pay."

and substituting in lieu thereof:

"421. Certifications with respect to pay grade."

SEC. 7. Section 322 of title 38, United States Code, is amended by (1) inserting "(a)" immediately before "The"; and (2) adding at the end thereof the following new subsection:

"(b) The monthly rate of death compensation payable to a widow under subsection (a) of this section shall be increased by \$50 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person."

SEC. 8. This Act shall take effect on the first day of the second calendar month which begins after the date of enactment.

Approved October 27, 1969.

Helpless or
blind widow,
additional
compensation.
72 Stat. 1122.

Effective date.

Public Law 91-97

October 27, 1969
[S. 1242]

Educational
Television and
Radio Amend-
ments of 1969.

AN ACT

To amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Educational Television and Radio Amendments of 1969".

THREE-YEAR AUTHORIZATION FOR PUBLIC BROADCASTING FACILITIES

76 Stat. 65;
81 Stat. 365.

SEC. 2. (a) Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended by inserting after the second sentence the following new sentence: "There are also authorized to be appropriated for the fiscal year ending June 30, 1971, and for each of the two succeeding fiscal years, \$15,000,000 per fiscal year."

(b) The last sentence of such section is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1974".

ONE-YEAR EXTENSION OF FINANCING OF CORPORATION FOR PUBLIC BROADCASTING

81 Stat. 372;
82 Stat. 108.

SEC. 3. (a) Paragraph (1) of subsection (k) of section 396 of the Communications Act of 1934 (47 U.S.C. 396) is amended by inserting ", and for the next fiscal year the sum of \$20,000,000" after "\$9,000,000".

(b) Paragraph (2) of such subsection is amended by inserting "or the next fiscal year" after "June 30, 1969,".

Approved October 27, 1969.

Public Law 91-98

AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

October 29, 1969
[H.R. 12781]

Department of
the Interior and
Related Agencies
Appropriation Act,
1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

PUBLIC LAND MANAGEMENT

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, \$52,573,000.

CONSTRUCTION AND MAINTENANCE

For acquisition, construction and maintenance of buildings, appurtenant facilities, and other improvements, and maintenance of access roads, \$2,899,000, to remain available until expended.

PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203, \$3,500,000, to remain available until expended.

72 Stat. 906;
76 Stat. 1147.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the vested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of rights-of-way and of existing connecting roads on or adjacent to such lands; an amount equivalent to 25 per centum of the aggregate of all receipts during the current fiscal year from the vested Oregon and California Railroad grant lands, to remain available until expended: *Provided*, That the amount appropriated herein for the purposes of this appropriation on lands administered by the Forest Service shall be transferred to the Forest Service, Department of Agriculture: *Provided further*, That the amount appropriated herein for road construction on lands other than those administered by the Forest Service shall be transferred to the Federal Highway Administration, Department of Transportation: *Provided further*, That the amount appropriated herein is hereby

made a reimbursable charge against the Oregon and California land-grant fund and shall be reimbursed to the general fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

43 USC 1181f.

48 Stat. 1270;
61 Stat. 790.49 Stat. 1978.
43 USC 315m.3 CFR 1954-
1958 Comp.,
p. 424.

For construction, purchase, and maintenance of range improvements pursuant to the provisions of sections 3 and 10 of the Act of June 28, 1934, as amended (43 U.S.C. 315), sums equal to the aggregate of all moneys received, during the current fiscal year, as range improvements fees under section 3 of said Act, 25 per centum of all moneys received, during the current fiscal year, under section 15 of said Act, and the amount designated for range improvements from grazing fees from Bankhead-Jones lands transferred to the Department of the Interior by Executive Order 10787, dated November 6, 1958, to remain available until expended.

RANGE IMPROVEMENTS

Appropriations for the Bureau of Land Management shall be available for purchase of one passenger motor vehicle for replacement only; purchase of one aircraft; purchase, erection, and dismantlement of temporary structures; and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title: *Provided*, That of appropriations herein made for the Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the general fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land-grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further*, That appropriations herein made may be expended on a reimbursable basis for (1) surveys of lands other than those under the jurisdiction of the Bureau of Land Management and (2) protection and leasing of lands and mineral resources for the State of Alaska.

BUREAU OF INDIAN AFFAIRS

EDUCATION AND WELFARE SERVICES

For expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment (in advance or from date of admission), of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order, and payment of rewards for information or evidence concerning violations of law on Indian reservations or lands; and operation of Indian arts and crafts shops; \$176,703,000.

RESOURCES MANAGEMENT

For expenses necessary for management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for

Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; and development of Indian arts and crafts, as authorized by law; \$55,242,000.

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities; acquisition of lands and interests in lands; preparation of lands for farming; and architectural and engineering services by contract; \$26,264,000, to remain available until expended: *Provided*, That no part of the sum herein appropriated shall be used for the acquisition of land within the States of Arizona, California, Colorado, New Mexico, South Dakota, and Utah outside of the boundaries of existing Indian reservations except lands authorized by law to be acquired for the Navajo Indian Irrigation Project: *Provided further*, That no part of this appropriation shall be used for the acquisition of land or water rights within the States of Nevada, Oregon, and Washington either inside or outside the boundaries of existing reservations except such lands as may be required for replacement of the Wild Horse Dam in the State of Nevada: *Provided further*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation.

ROAD CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203, \$20,000,000, to remain available until expended.

^{72 Stat. 906;}
^{76 Stat. 1147.}

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, \$5,013,000.

TRIBAL FUNDS

In addition to the tribal funds authorized to be expended by existing law, there is hereby appropriated \$3,000,000 from tribal funds not otherwise available for expenditure for the benefit of Indians and Indian tribes, including pay and travel expenses of employees; care, tuition, and other assistance to Indian children attending public and private schools (which may be paid in advance or from date of admission); purchase of land and improvements on land, title to which shall be taken in the name of the United States in trust for the tribe for which purchased; lease of lands and water rights; compensation and expenses of attorneys and other persons employed by Indian tribes under approved contracts; pay, travel, and other expenses of tribal officers, councils, and committees thereof, or other tribal organizations, including mileage for use of privately owned automobiles and per diem in lieu of subsistence at rates established administratively but not to exceed those applicable to civilian employees of the Government; relief of Indians, without regard to section 7 of the Act of May 27, 1930 (46 Stat. 391), including cash grants; and employment of a curator for the Osage Museum, who shall be appointed with the approval of the Osage Tribal Council and without regard to the classification laws: *Provided*, That in addition to the amount appropriated

^{18 USC 4124}
and note.

herein, tribal funds may be advanced to Indian tribes during the current fiscal year for such purposes as may be designated by the governing body of the particular tribe involved and approved by the Secretary: *Provided further*, That nothing contained in this paragraph or in any other provision of law shall be construed to authorize the expenditure of funds derived from appropriations in satisfaction of awards of the Indian Claims Commission and the Court of Claims, except for such amounts as may be necessary to pay attorney fees, expenses of litigation, and expenses of program planning, until after legislation has been enacted that sets forth the purposes for which said funds will be used: *Provided further*, That the limitations contained in the foregoing paragraph shall not apply to any judgment proceeds or other funds, revenues or receipts, due the Shoshone Indian Tribe of the Wind River Reservation, Wyoming, and any such funds may be distributed to them under the provisions of the Act of May 19, 1947, as amended (61 Stat. 102, 25 U.S.C. 611-613): *Provided, however*, That no part of this appropriation or other tribal funds shall be used for the acquisition of land or water rights within the States of Nevada, Oregon, and Washington, either inside or outside the boundaries of existing Indian reservations, if such acquisition results in the property being exempted from local taxation, except as provided for by the Acts of July 24, 1956 (70 Stat. 627), June 10, 1968 (82 Stat. 174), and September 28, 1968 (82 Stat. 884).

72 Stat. 541.

25 USC 487.
25 USC 610-
610e.

49 Stat. 1458.

82 Stat. 4.
25 USC 309,
309a.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans) shall be available for expenses of exhibits; purchase of not to exceed sixty-eight passenger motor vehicles for police-type use which may exceed by \$300 each the general purchase price limitation for the current year, of which twenty-three shall be for replacement only, which may be used for the transportation of Indians; advance payments for service (including services which may extend beyond the current fiscal year) under contracts executed pursuant to the Act of June 4, 1936 (25 U.S.C. 452), the Act of August 3, 1956 (70 Stat. 986), and legislation terminating Federal supervision over certain Indian tribes; and expenses required by continuing or permanent treaty provisions.

BUREAU OF OUTDOOR RECREATION

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Outdoor Recreation, not otherwise provided for, \$3,750,000.

LAND AND WATER CONSERVATION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965 as amended (82 Stat. 354), including \$3,200,000 for administrative expenses of the Bureau of Outdoor Recreation during the current fiscal year, and acquisition of land or waters, or interest therein, in accordance with the statutory authority applicable to the State or Federal agency concerned, to be derived from the Land and Water Conservation Fund, established by section 2 of said Act as amended, and to remain available until expended, not to exceed \$124,000,000, of which (1) not to exceed \$62,000,000 shall be available for payments to the States to be matched

78 Stat. 897.
16 USC 460l-4
note.

by the individual States with an equal amount; (2) not to exceed \$28,572,000 shall be available to the National Park Service; (3) not to exceed \$13,700,000 shall be available to the Forest Service; (4) not to exceed \$1,000,000 shall be available to the Bureau of Sport Fisheries and Wildlife; and (5) \$15,528,000 is for liquidation of obligations incurred pursuant to section 8 of said act.

82 Stat. 355.
16 USC 460*l*-10a
note.

OFFICE OF TERRITORIES

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of Territories and for the departmental administration of the Trust Territory of the Pacific Islands, under the jurisdiction of the Department of the Interior, including not to exceed \$514,400 for the Office of Territories; expenses of the offices of the Governors of Guam and American Samoa, as authorized by law (48 U.S.C., secs. 1422, 1661(c)); salaries of the Governor of the Virgin Islands, the Government Secretary, and the members of the immediate staffs as authorized by law (48 U.S.C. 1591, 72 Stat. 1095); compensation and mileage of members of the legislature in American Samoa as authorized by law (48 U.S.C. sec. 1661 (c)); compensation and expenses of the judiciary in American Samoa as authorized by law (48 U.S.C. 1661(c)); grants to American Samoa, in addition to current local revenues, for support of governmental functions; loans and grants to Guam, as authorized by law (Public Law 88-170, as amended, 82 Stat. 863); and personal services, household equipment and furnishings, and utilities necessary in the operation of the houses of the Governors of Guam and American Samoa; \$14,921,400, together with \$292,700 for expenses of the office of the Government Comptroller for the Virgin Islands to be derived by transfer from "Internal Revenue Collections for Virgin Islands", as authorized by law (Public Law 90-496) and \$239,400 for expenses of the office of the Government Comptroller for Guam to be derived from duties and taxes which would otherwise be covered into the Treasury of Guam, as authorized by law (Public Law 90-497), to remain available until expended: *Provided*, That the Territorial and local government herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That appropriations available for the administration of Territories may be expended for the purchase, charter, maintenance, and operation of aircraft and surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary.

82 Stat. 842;
45 Stat. 1253.

82 Stat. 837,
84*l*.
48 USC 1641.

77 Stat. 302.

82 Stat. 840.
48 USC 1599.

82 Stat. 845.
48 USC 1422d.

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (82 Stat. 1213), including the expenses of the High Commissioner of the Trust Territory of the Pacific Islands; compensation and expenses of the Judiciary of the Trust Territory of the Pacific Islands; grants to the Trust Territory of the Pacific Islands in addition to local revenues, for support of governmental functions; \$40,612,000, to remain available until expended: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office

61 Stat. 3301.
48 USC 1681
and notes.

GAO audit.

31 USC 1.
31 USC 65
note.

61 Stat. 3302.

43 USC 31.

49 Stat. 30.
72 Stat. 700.

65 Stat. 133.
50 USC app.
2093.

in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834) : *Provided further*, That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration: *Provided further*, That appropriations available for the administration of the Trust Territory of the Pacific Islands may be expended for the purchase, charter, maintenance, and operation of aircraft and surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary in carrying out the provisions of article 6(2) of the Trusteeship Agreement approved by Congress.

MINERAL RESOURCES

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (72 Stat. 837 and 76 Stat. 427); classify lands as to mineral character and water and power resources; give engineering supervision to power permits and Federal Power Commission licenses; enforce departmental regulations applicable to oil, gas, and other mining leases, permits, licenses, and operating contracts; control the interstate shipment of contraband oil as required by law (15 U.S.C. 715); administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; \$95,755,000, of which \$15,610,000 shall be available only for cooperation with States or municipalities for water resources investigations, and \$79,000 shall remain available until expended, to provide financial assistance to participants in minerals exploration projects, as authorized by law (30 U.S.C. 641-646), including administration of contracts entered into prior to June 30, 1958, under section 303 of the Defense Production Act of 1950, as amended: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed forty-three passenger motor vehicles, for replacement only; reimbursement of the General Services Administration for security guard service for protection of confidential files; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gaging stations and observation wells; expenses of the U.S. National Committee on Geology; and payment of compensation and expenses of persons on the rolls of

the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts.

BUREAU OF MINES

CONSERVATION AND DEVELOPMENT OF MINERAL RESOURCES

For expenses necessary for promoting the conservation, exploration, development, production, and utilization of mineral resources, including fuels, in the United States, its Territories, and possessions; and developing synthetics and substitutes; \$39,331,000.

HEALTH AND SAFETY

For expenses necessary for promotion of health and safety in mines and in the minerals industries, and controlling fires in coal deposits, as authorized by law; \$14,332,000.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the Bureau of Mines; \$1,647,000.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the Bureau of Mines may be expended for purchase of not to exceed forty-eight passenger motor vehicles for replacement only; purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work: *Provided*, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the Bureau of Mines is authorized during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

HELIUM FUND

The Secretary is authorized to borrow from the Treasury for payment to the helium production fund pursuant to section 12(a) of the Helium Act Amendments of 1960 to carry out the provisions of the Act and contractual obligations thereunder, including helium purchases, to remain available without fiscal year limitation, \$24,000,000, in addition to amounts heretofore authorized to be borrowed.

⁷⁴ Stat. 923.
50 USC 167j.

OFFICE OF COAL RESEARCH

SALARIES AND EXPENSES

For necessary expenses to encourage and stimulate the production and conservation of coal in the United States through research and development, as authorized by law (74 Stat. 337), \$15,300,000, to remain available until expended, of which not to exceed \$448,000 shall be available for administration and supervision.

³⁰ USC 661-
668.

OFFICE OF OIL AND GAS

SALARIES AND EXPENSES

For necessary expenses to enable the Secretary to discharge his responsibilities with respect to oil and gas, including cooperation with the petroleum industry and State authorities in the production, processing, and utilization of petroleum and its products, and natural gas, \$994,000.

BUREAU OF COMMERCIAL FISHERIES

MANAGEMENT AND INVESTIGATIONS OF RESOURCES

For expenses necessary for scientific and economic studies, conservation, management, investigation, protection, and utilization of commercial fishery resources, including whales, sea lions, and related aquatic plants and products; collection, compilation, and publication of information concerning such resources; promotion of education and training of fishery personnel; and the performance of other functions related thereto, as authorized by law; \$26,600,000.

MANAGEMENT AND INVESTIGATIONS OF RESOURCES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses of the Bureau of Commercial Fisheries, as authorized by law, \$15,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such agency, for payments in the foregoing currencies.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required for the conservation, management, investigation, protection, and utilization of commercial fishery resources and the acquisition of lands and interests therein, \$2,325,000, to remain available until expended.

CONSTRUCTION OF FISHING VESSELS

^{46 USC 1401-}
1413.

For expenses necessary to carry out the provisions of the Act of June 12, 1960 (74 Stat. 212), as amended by the Act of August 30, 1964 (78 Stat. 614), to assist in the construction of fishing vessels, \$3,000,000, to remain available until expended.

FEDERAL AID FOR COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT

^{16 USC 779}
note.

For expenses necessary to carry out the provisions of the Commercial Fisheries Research and Development Act of 1964 (78 Stat. 197), \$4,590,000, of which not to exceed \$227,000, shall be available for program administration: *Provided*, That the sum of \$3,800,000 available for apportionment to the States pursuant to section 5(a) of the Act shall remain available until the close of the fiscal year following the year for which appropriated.

ANADROMOUS AND GREAT LAKES FISHERIES CONSERVATION

For expenses necessary to carry out the provisions of the Act of October 30, 1965 (16 U.S.C. 757), \$2,307,000.

^{79 Stat. 1125.}
16 USC 757a-
757f.

FISHERMEN'S PROTECTIVE FUND

For payment to the Fishermen's Protective Fund, established pursuant to the Act of August 12, 1968 (82 Stat. 729), \$60,000, to remain available until expended.

^{22 USC 1971-}
1977.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the Bureau of Commercial Fisheries, including such expenses in the regional offices, \$765,000.

ADMINISTRATION OF Pribilof Islands

For carrying out the provisions of the Act of November 2, 1966 (80 Stat. 1091-1099), there are appropriated amounts not to exceed \$2,654,000, to be derived from the Pribilof Islands fund.

^{16 USC 1151}
note.

LIMITATION ON ADMINISTRATIVE EXPENSES, FISHERIES LOAN FUND

During the current fiscal year not to exceed \$360,000 of the Fisheries loan fund shall be available for administrative expenses.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the Bureau of Commercial Fisheries shall be available for purchase of not to exceed seventeen passenger motor vehicles for replacement only (including one for police-type use which may exceed by \$300 the general purchase price limitation for the current fiscal year); purchase of one aircraft; publication and distribution of bulletins as authorized by law (7 U.S.C. 417); rations or commutation of rations for officers and crews of vessels at rates not to exceed \$6.50 per man per day; options for the purchase of land at not to exceed \$1 for each option; and maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Bureau of Commercial Fisheries to which the United States has title, and which are utilized pursuant to law in connection with management and investigations of fishery resources.

^{34 Stat. 690.}

BUREAU OF SPORT FISHERIES AND WILDLIFE

MANAGEMENT AND INVESTIGATIONS OF RESOURCES

For expenses necessary for scientific and economic studies, conservation, management, investigation, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; operation of the industrial properties within the Crab Orchard National Wildlife Refuge (61 Stat. 770); and maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; \$48,850,000.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein, \$1,959,000, to remain available until expended.

MIGRATORY BIRD CONSERVATION ACCOUNT

For an advance to the migratory bird conservation account, as authorized by the Act of October 4, 1961, as amended (16 U.S.C. 715k-3, 5; 81 Stat. 612), \$5,800,000, to remain available until expended.

ANADROMOUS AND GREAT LAKES FISHERIES CONSERVATION

79 Stat. 1125.
For expenses necessary to carry out the provisions of the Act of October 30, 1965 (16 U.S.C. 757a-757f), \$2,294,000.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the Bureau of Sport Fisheries and Wildlife, including such expenses in the regional offices, \$1,699,000.

ADMINISTRATIVE PROVISIONS

34 Stat. 690.

Appropriations and funds available to the Bureau of Sport Fisheries and Wildlife shall be available for purchase of not to exceed one hundred and forty-five passenger motor vehicles, of which one hundred and twenty-six are for replacement only (including sixty-five for police-type use which may exceed by \$300 each the general purchase price limitation for the current fiscal year); purchase of not to exceed six aircraft, of which four are for replacement only; not to exceed \$50,000 for payment, in the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Sport Fisheries and Wildlife; publication and distribution of bulletins as authorized by law (7 U.S.C. 417); rations or commutation of rations for officers and crews of vessels at rates not to exceed \$6.50 per man per day; insurance on official motor vehicles, aircraft and boats operated by the Bureau of Sport Fisheries and Wildlife in foreign countries; repair of damage to public roads within and adjacent to reservation areas caused by operations of the Bureau of Sport Fisheries and Wildlife; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are not inconsistent with their primary purposes; and the maintenance and improvement of aquaria, buildings and other facilities under the jurisdiction of the Bureau of Sport Fisheries and Wildlife and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources.

NATIONAL PARK SERVICE**MANAGEMENT AND PROTECTION**

For expenses necessary for the management and protection of the areas and facilities administered by the National Park Service, including protection of lands in process of condemnation; plans, investigations, and studies of the recreational resources (exclusive of prepara-

tion of detail plans and working drawings) and archeological values in river basins of the United States (except the Missouri River Basin); and not to exceed \$88,000 for the Roosevelt Campobello International Park Commission, \$49,100,000.

MAINTENANCE AND REHABILITATION OF PHYSICAL FACILITIES

For expenses necessary for the operation, maintenance, and rehabilitation of roads (including furnishing special road maintenance service to trucking permittees on a reimbursable basis), trails, buildings, utilities, and other physical facilities essential to the operation of areas administered pursuant to law by the National Park Service, \$40,000,000.

CONSTRUCTION

For construction and improvement, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of buildings, utilities, and other physical facilities; the repair or replacement of roads, trails, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, or storm, or the construction of projects deferred by reason of the use of funds for such purposes; and the acquisition of water rights; \$7,700,000, to remain available until expended.

^{37 Stat. 460;}
^{54 Stat. 36.}

PARKWAY AND ROAD CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203, \$21,500,000, to remain available until expended: *Provided*, That none of the funds herein provided shall be expended for planning or construction on the following: Fort Washington and Greenbelt Park, Maryland, and Great Falls Park, Virginia, except minor roads and trails; and Darnierfield Island Marina, Virginia, and extension of the George Washington Memorial Parkway from vicinity of Brickyard Road to Great Falls, Maryland, or in Prince Georges County, Maryland.

^{72 Stat. 906;}
^{76 Stat. 1147.}

PRESERVATION OF HISTORIC PROPERTIES

For expenses necessary in carrying out a program for the preservation of additional historic properties throughout the Nation, as authorized by law (80 Stat. 915), \$1,600,000, to remain available until expended.

^{16 USC 470-}
^{470m.}

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the National Park Service, including such expenses in the regional offices, \$3,317,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed one hundred and forty-six passenger motor vehicles of which one hundred and twenty-eight shall be for replacement only, and including not to exceed ninety-seven for police type use, which may exceed the general purchase price limitation for the current fiscal year by the cost of air-conditioning and not to exceed \$300 for police type equipment; purchase of two aircraft, one of which

shall be for replacement only, and acquisition from excess sources without reimbursement of two additional aircraft; and to provide, notwithstanding any other provision of law, at a cost not exceeding \$50,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service.

OFFICE OF SALINE WATER

SALINE WATER CONVERSION

75 Stat. 628;
81 Stat. 78.

For expenses necessary to carry out the provisions of the Act of July 3, 1952, as amended (42 U.S.C. 1951 et seq.), authorizing studies for the conversion of saline water for beneficial consumptive uses, including not to exceed \$1,972,000 for administration and coordination expenses during the current fiscal year, \$25,000,000, to remain available until expended.

OFFICE OF WATER RESOURCES RESEARCH

SALARIES AND EXPENSES

78 Stat. 329;
80 Stat. 129,
130.

For expenses necessary in carrying out the provisions of the Water Resources Research Act of 1964, as amended (42 U.S.C. 1961-1961c-7), \$11,229,000, of which not to exceed \$623,000 shall be available for administrative expenses.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$5,530,000, and in addition, not to exceed \$152,000 may be reimbursed or transferred to this appropriation from other accounts available to the Department of the Interior.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, including teletype rentals and service, and not to exceed \$2,000 for official reception and representation expenses, \$9,912,700.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Funds for
emergency
reconstruction.

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

Forest or
range fires.

SEC. 102. The Secretary may authorize the expenditure or transfer of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred

during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided*, That reimbursements for costs of supplies, materials and equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

Operation of
warehouses, etc.

47 Stat. 417.

SEC. 104. Appropriations made to the Department of the Interior in this title or in the Public Works for Water and Power Resources Development and Atomic Energy Commission Appropriation Act, 1970, shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$300,000; hire, maintenance and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

Employment of
experts, etc.

Post, p. 323.
80 Stat. 416.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

Uniforms or
allowances.

80 Stat. 508;
81 Stat. 206.
43 Stat. 175.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST PROTECTION AND UTILIZATION

For expenses necessary for forest protection and utilization, as follows:

Forest land management: For necessary expenses of the Forest Service, not otherwise provided for, including the administration, improvement, development, and management of lands under Forest Service administration, fighting and preventing forest fires on or threatening such lands and for liquidation of obligations incurred in the preceding fiscal year for such purposes, control of white pine blister rust and other forest diseases and insects on Federal and non-Federal lands; \$192,810,000, of which \$4,275,000 for fighting and preventing forest fires and \$1,910,000 for insect and disease control shall be apportioned for use, pursuant to section 3679 of the Revised Statutes, as amended, to the extent necessary under the then existing conditions: *Provided*, That not more than \$1,300,000 of this appropriation may be used for acquisition of land under the Act of March 1, 1911, as amended (16 U.S.C. 513-519): *Provided further*, That funds appropriated for "Cooperative range improvements", pursuant to section 12 of the Act of April 24, 1950 (16 U.S.C. 580h), may be advanced to this appropriation.

31 USC 665.

36 Stat. 962.

64 Stat. 85.

Forest research: For forest research at forest and range experiment stations, the Forest Products Laboratory, or elsewhere, as authorized by law; \$42,137,000.

State and private forestry cooperation: For cooperation with States in forest-fire prevention and suppression, in forest tree planting on non-Federal public and private lands, and in forest management and processing, and for advising timberland owners, associations, wood-using industries, and others in the application of forest management principles and processing of forest products, as authorized by law; \$22,729,000.

FOREST ROADS AND TRAILS (LIQUIDATION OF CONTRACT AUTHORIZATION)

72 Stat. 906;
76 Stat. 1147.

37 Stat. 843.

58 Stat. 227.

For expenses necessary for carrying out the provisions of title 23, United States Code, sections 203 and 205, relating to the construction and maintenance of forest development roads and trails, \$100,570,000, to remain available until expended, for liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203: *Provided*, That funds available under the Act of March 4, 1913 (16 U.S.C. 501), shall be merged with and made a part of this appropriation: *Provided further*, That not less than the amount made available under the provisions of the Act of March 4, 1913, shall be expended under the provisions of such Act.

ACQUISITION OF LANDS FOR NATIONAL FORESTS

SPECIAL ACTS

For acquisition of land to facilitate the control of soil erosion and flood damage originating within the exterior boundaries of the following national forests, in accordance with the provisions of the following Acts, authorizing annual appropriations of forest receipts for such purposes, and in not to exceed the following amounts from such receipts, Cache National Forest, Utah, Act of May 11, 1938 (52 Stat. 347), as amended, \$20,000; Uinta and Wasatch National Forests, Utah, Act of August 26, 1935 (49 Stat. 866), as amended, \$20,000; Toiyabe National Forest, Nevada, Act of June 25, 1938 (52 Stat. 1205), as amended, \$8,000; Cleveland National Forest, California, Act of June 11, 1940 (54 Stat. 297), \$32,000; in all, \$80,000: *Provided*, That no part of this appropriation shall be used for acquisition of any land which is not within the boundaries of the national forests and/or for the acquisition of any land without the approval of the local government concerned.

COOPERATIVE RANGE IMPROVEMENTS

64 Stat. 85.

For artificial revegetation, construction, and maintenance of range improvements, control of rodents, and eradication of poisonous and noxious plants on national forests in accordance with section 12 of the Act of April 24, 1950 (16 U.S.C. 580h), to be derived from grazing fees as authorized by said section, \$700,000, to remain available until expended.

ASSISTANCE TO STATES FOR TREE PLANTING

70 Stat. 207.

For expenses necessary to carry out section 401 of the Agricultural Act of 1956, approved May 28, 1956 (16 U.S.C. 568e), \$1,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed two hundred and twelve passenger motor vehicles of which one hundred and eighty shall be for replacement only, and hire of such vehicles; operation and maintenance of aircraft and the purchase of not to exceed two for replacement only; (b) employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$25,000 for employment under 5 U.S.C. 3109; (c) uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); (d) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (e) expenses of the National Forest Reservation Commission as authorized by section 14 of the Act of March 1, 1911 (16 U.S.C. 514); and (f) acquisition of land and interests therein for sites for administrative purposes, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a).

Except to provide materials required in or incident to research or experimental work where no suitable domestic product is available, no part of the funds appropriated to the Forest Service shall be expended in the purchase of twine manufactured from commodities or materials produced outside of the United States.

Funds appropriated under this Act shall not be used for acquisition of forest lands under the provisions of the Act approved March 1, 1911, as amended (16 U.S.C. 513-519, 521), where such land is not within the boundaries of an established national forest or purchase unit.

58 Stat. 742.
80 Stat. 416.
80 Stat. 508;
81 Stat. 206.

36 Stat. 963.
70 Stat. 1034.

36 Stat. 962.

FEDERAL COAL MINE SAFETY BOARD OF REVIEW

SALARIES AND EXPENSES

For necessary expenses of the Federal Coal Mine Safety Board of Review, including services as authorized by 5 U.S.C. 3109, \$148,000.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), including payment of actual traveling expenses of the members and secretary of the Commission in attending meetings and Committee meetings of the Commission either within or outside the District of Columbia, to be disbursed on vouchers approved by the Commission, \$115,000.

36 Stat. 371.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
HEALTH SERVICES
AND MENTAL HEALTH ADMINISTRATION

INDIAN HEALTH SERVICES

For expenses necessary to enable the Surgeon General to carry out the purposes of the Act of August 5, 1954 (68 Stat. 674), as amended; purchase of not to exceed six passenger motor vehicles, for replacement only; hire of passenger motor vehicles and aircraft; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the purposes set forth in sections 301 (with respect to research

42 USC 2001-
2004a.

58 Stat. 691;
81 Stat. 539.
42 USC 241,
243, 248, 249,
251, 254a,
227.
25 USC 891
note.

73 Stat. 267.

80 Stat. 416.

80 Stat. 508;
81 Stat. 206.

60 Stat. 1049.

66 Stat. 781.

conducted at facilities financed by this appropriation), 311, 321, 322 (d), 324, 328, and 509 of the Public Health Service Act; \$99,481,000, of which \$350,000 shall be available for payments on account of the Menominee Indian people as authorized by section 1 of the Act of October 14, 1966 (80 Stat. 903).

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites; purchase and erection of portable buildings; purchase of trailers; and provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a); \$19,000,000 to remain available until expended.

ADMINISTRATIVE PROVISIONS, HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

SEC. 1001. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 1002. Appropriations contained in this Act available for salaries and expenses shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

SEC. 1003. Appropriations contained in this Act available for salaries and expenses shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

INDIAN CLAIMS COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the purposes of the Act of August 13, 1946 (25 U.S.C. 70), as amended (81 Stat. 11), creating an Indian Claims Commission, \$850,000, of which not to exceed \$40,000 shall be available for expenses of travel.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); \$222,700, and in addition \$770,000 of the unobligated balance of the appropriation granted under "Land Acquisition, National Capital Park, Parkway, and Playground System" are transferred to and shall be available for salaries and expenses: *Provided*, That none of the funds provided herein shall be used for the Temporary Pennsylvania Avenue Commission: *Provided further*, That none of the funds provided herein shall be used for foreign travel.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SALARIES AND EXPENSES

For expenses necessary to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$13,790,000, of which \$4,250,000 shall be available until expended to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act and for support of the functions of the National Council on the Arts set forth in Public Law 88-579; \$2,000,000 shall be available until expended to the National Endowment for the Arts for assistance pursuant to Section 5(h) of the Act; \$6,050,000 shall be available until expended to the National Endowment for the Humanities for support of activities in the humanities pursuant to section 7(c) of the Act; and \$1,490,000 shall be available for administering the provisions of the Act: *Provided*, That in addition, there is appropriated in accordance with the authorization contained in section 11(b) of the Act, to remain available until expended, amounts equal to the total amounts of gifts, bequests, and devises of money, and other property received by each Endowment during the current and preceding fiscal years, under the provisions of section 10(a)(2) of the Act, for which equal amounts have not previously been appropriated, but not to exceed a total of \$2,000,000: *Provided further*, That not to exceed 3 percent of the funds appropriated to the National Endowment for the Arts for the purposes of sections 5(c), 5(h) and functions under Public Law 88-579 and not to exceed 3 percent of the funds appropriated to the National Endowment for the Humanities for the purposes of section 7(c) shall be available for program development and evaluation.

79 Stat. 845.
20 USC 951
note.

78 Stat. 905.
20 USC 781
note.

PUBLIC LAND LAW REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Public Land Law Review Commission, established by Public Law 88-606, approved September 19, 1964, including services as authorized by 5 U.S.C. 3109, and not to exceed \$750 for official reception and representation expenses, \$922,000, to remain available until expended.

78 Stat. 982.
43 USC 1391-
1400.
80 Stat. 416.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, including research; preservation, exhibition, and increase of collections from Government and other sources; international exchanges; anthropological research; maintenance of the Astrophysical Observatory and making necessary observations in high altitudes; administration of the National Collection of Fine Arts and the National Portrait Gallery; not to exceed \$200,000 for necessary expenses of the Woodrow Wilson International Center for Scholars; including not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; purchase or rental of two passenger motor vehicles; purchase, repair, and cleaning of uniforms

80 Stat. 508;
81 Stat. 206.

for guards and elevator operators, and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), for other employees; repairs and alterations of buildings and approaches; and preparation of manuscripts, drawings, and illustrations for publications; \$28,134,000.

MUSEUM PROGRAMS AND RELATED RESEARCH (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses for carrying out museum programs and related research in the natural sciences and cultural history under the provisions of section 104(b)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)(3)), \$2,316,000, to remain available until expended and to be available only to United States institutions: *Provided*, That this appropriation shall be available, in addition to other appropriations to the Smithsonian Institution, for payments in the foregoing currencies.

80 Stat. 1529.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, \$600,000, to remain available until expended.

RESTORATION AND RENOVATION OF BUILDINGS

20 USC 53a.
80 Stat. 416.

For necessary expenses of restoration and renovation of buildings owned or occupied by the Smithsonian Institution, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed \$10,000 for services as authorized by 5 U.S.C. 3109, \$525,000, to remain available until expended.

CONSTRUCTION

82 Stat. 443.

For an additional amount for necessary expenses of the preparation of plans and specifications and for the construction of the Joseph H. Hirshhorn Museum and Sculpture Garden, including expenses of relocating the Armed Forces Institute of Pathology in order to clear the construction site, to remain available until expended, \$3,500,000, of which \$3,300,000 is for liquidation of obligations incurred under the contract authorization granted under this head in the Department of the Interior and Related Agencies Appropriation Act, 1969: *Provided*, That such sums as are necessary may be transferred to the General Services Administration for execution of the work.

SALARIES AND EXPENSES, NATIONAL GALLERY OF ART

53 Stat. 577.
20 USC 71-
74, 75.

For the upkeep and operation of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards and

elevator operators and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and not to exceed \$20,000 for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$3,390,000.

80 Stat. 508;
81 Stat. 206.

EXECUTIVE OFFICE OF THE PRESIDENT

NATIONAL COUNCIL ON MARINE RESOURCES AND ENGINEERING DEVELOPMENT

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Marine Resources and Engineering Development Act of 1966 (Public Law 89-545, approved June 17, 1966), as amended, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$700,000.

80 Stat. 203;
Ante, p. 10.
33 USC 1101
note.
80 Stat. 416.

FEDERAL FIELD COMMITTEE FOR DEVELOPMENT PLANNING IN ALASKA

SALARIES AND EXPENSES

For necessary expenses of the Federal Field Committee for Development Planning in Alaska, established by Executive Order 11182 of October 2, 1964, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, \$192,500.

3 CFR, 1964-
1965 Comp.,
p. 252.

LEWIS AND CLARK TRAIL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Lewis and Clark Trail Commission, established by Public Law 88-630, approved October 6, 1964, including services as authorized by 5 U.S.C. 3109, \$5,000.

78 Stat. 1005;
80 Stat. 229.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Act of July 4, 1966 (Public Law 89-491), as amended, establishing the American Revolution Bicentennial Commission, \$175,000.

80 Stat. 259;
Ante, p. 132.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 302. None of the funds in this Act shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under section 214 of the Independent Offices Appropriation Act, 1946 (31 U.S.C. 691) which do not have prior and specific congressional approval of such method of financial support.

59 Stat. 134.

**Payment to
convicted rioters,
prohibition.**

SEC. 303. No part of the funds appropriated by this Act shall be used to pay the salary of any Federal employee who is convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

Short title.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriation Act, 1970."

Approved October 29, 1969.

October 29, 1969
[H. R. 11039]

AN ACT
To amend further the Peace Corps Act (75 Stat. 612), as amended.

**Peace Corps
Act, amend-
ment.**

82 Stat. 250.
22 USC 2502.

75 Stat. 527.

**Volunteers.
U.S. claims,
waiver pro-
visions.**
22 USC 2504.
82 Stat. 1212.

**Voluntary
service pro-
grams.**
77 Stat. 361.
22 USC 2501a.

**Development of
international
registers.**

**Use of funds,
prohibition.**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Peace Corps Act, as amended, which authorizes appropriations to carry out the purposes of that Act, is amended (1) by striking out "1969" and "\$112,800,000" and substituting "1970" and "\$98,450,000", respectively, and (2) by adding at the end thereof the following new sentence: "None of the funds authorized to carry out the purposes of this Act shall be used to carry out the Volunteers to America Program conducted under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), or any similar program involving the service or training of foreign nationals in the United States."

SEC. 2. Section 5(h) of the Peace Corps Act, as amended, which relates to Peace Corps volunteers, is amended by inserting after "(31 U.S.C. 492a)," the following: "section 5584 of title 5, United States Code (and readjustment allowances paid under this Act shall be considered as pay for purposes of such section)."

SEC. 3. Section 301 of the Peace Corps Act, as amended, which relates to the encouragement of voluntary service programs, is amended as follows:

(1) Subsection (a) is amended—

(A) by inserting immediately after "of this Act" the designation "(1)";

(B) by striking out the comma and the word "and" following "trained manpower" and inserting in lieu thereof a semicolon and the designation "(2)"; and

(C) by striking out the period at the end thereof and substituting a semicolon and the following: "and (3) to encourage the development of, and participation in, any international register which seeks to provide volunteers to serve in less developed countries or areas, training, or other assistance in order to help such countries or areas to meet their needs for trained manpower."

(2) Subsection (b) is amended to read as follows:

"(b)(1) Activities carried out by the President in furtherance of the purposes of clauses (1) and (2) of subsection (a) of this section shall be limited to the furnishing of knowledge and skills relating to the selection, training, and programming of volunteer manpower. None of the funds available for use in the furtherance of such purposes may be contributed to any international organization or to any foreign government or agency thereof; nor may such funds be used to pay the costs of developing or operating volunteer programs of such organization, government, or agency, or to pay any other costs of such organization, government, or agency.

"(2) Not more than \$300,000 may be used in fiscal year 1970 to carry out the provisions of clause (3) of subsection (a) of this section. Such funds may be contributed to educational institutions, private voluntary organizations, international organizations, and foreign governments or agencies thereof, to pay a fair and proportionate share of the costs of the international registers (of the type described in such clause) of such institutions, organizations, and governments or agencies."

Ante, p. 166.

Approved October 29, 1969.

Public Law 91-100

AN ACT

To declare that the United States shall hold certain land in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

October 30, 1969
[S. 775]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the right, title, and interest of the United States in and to the surface of the following described land (together with all buildings and other improvements thereon), such land and improvements having been declared excess to the needs of the Bureau of Indian Affairs, are hereby declared to be held by the United States in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, subject to the right of the United States, its successors or assigns to use the west 75 feet of the parcel for a road right-of-way so long as it is needed, as determined by the Secretary of the Interior, for such purposes: southwest quarter southwest quarter northwest quarter of section 21, township 150 north, range 90 west, of the fifth principal meridian, North Dakota, comprising 10 acres.

Indians.
Three Affili-
ated Tribes,
Fort Berthold
Reservation,
N. Dak.
Lands in trust.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claims against the United States determined by the Commission.

25 USC 70a.

Approved October 30, 1969.

Public Law 91-101

AN ACT

To amend title 38 of the United States Code in order to eliminate the six-month limitation on the furnishing of nursing home care in the case of veterans with service-connected disabilities.

October 30, 1969
[H. R. 2768]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That next to the last sentence of subsection (a) of section 620 of title 38, United States Code, is amended by striking out "except where in the judgment of the Administrator a longer period is warranted in the case of any veteran" and inserting in lieu thereof "except (A) in the case of the veteran whose hospitalization was primarily for a service-connected disability, or (B) where in the judgment of the Administrator a longer period is warranted in the case of any other veteran".

Veterans.
Nursing home
care.
78 Stat. 500.

Approved October 30, 1969.

Public Law 91-102

AN ACT

October 30, 1969
[H. R. 3130]

To amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish medical services for non-service-connected disability to any war veteran who has total disability from a service-connected disability.

Veterans.
Medical serv-
ices.
74 Stat. 472.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (f) of section 612 of title 38, United States Code, is amended by adding the following new paragraph:

"(3) where a veteran of any war has a total disability permanent in nature resulting from a service-connected disability.".

Approved October 30, 1969.

Public Law 91-103

AN ACT

October 30, 1969
[S. 74]

To place in trust status certain lands on the Standing Rock Sioux Indian Reservation in North and South Dakota.

Indians.
Standing Rock
Sioux Tribe,
N. Dak.-S. Dak.
Lands in trust.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall hereafter be held by the United States in trust for the benefit of the Standing Rock Sioux Indian Tribe all the right, title, and interest of the United States in and to the following described land on the Standing Rock Sioux Indian Reservation in North and South Dakota.

The southwest quarter southwest quarter southwest quarter southeast quarter of section 35, township 132 north of range 83 west of the fifth principal meridian, Sioux County, North Dakota, containing 2.5 acres more or less.

SEC. 2. This conveyance is subject to all valid existing rights-of-way of record.

SEC. 3. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Approved October 30, 1969.

25 USC 70a.

Public Law 91-104

AN ACT

October 30, 1969
[S. 921]

To declare that certain federally owned land is held by the United States in trust for the Cheyenne River Sioux Tribe of the Cheyenne River Indian Reservation.

Indians.
Cheyenne River
Sioux Tribe,
S. Dak.
Lands in trust.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in land heretofore used in connection with the Cheyenne River Boarding School described as the east half section 19 and the west half section 20, township 13 north, range 31 east, Black Hills Meridian, Dewey County, South Dakota, comprising approximately 640 acres, together with all improvements thereon except fencing owned by Indian permittee, are hereby declared to be held by the United States in trust for the Cheyenne River Sioux Tribe of the Cheyenne River Indian Reservation. The land conveyed by this Act is subject to all valid existing rights-of-way.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claims against the United States determined by the Commission.

25 USC 70a.

Approved October 30, 1969.

Public Law 91-105

JOINT RESOLUTION

To provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

October 31, 1969
[S. J. Res. 164]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That section 12 of the Export Control Act of 1949, as amended (50 U.S.C. App. 2032), is amended by striking out "October 31, 1969" and inserting in lieu thereof "December 31, 1969".

SEC. 2. The last paragraph under the heading "Senate" in the First Deficiency Act, fiscal year 1926 (2 U.S.C. 64a) is amended to read as follows:

"In the event of the death, resignation, or disability of the Secretary of the Senate, the Comptroller of the Senate shall be deemed his successor as a disbursing officer, under his bond as Comptroller, and he shall serve as such disbursing officer until the end of the quarterly period during which a new Secretary shall have been elected and qualified, or such disability shall have been ended."

Export Control
Act of 1949,
amendment.
Ante, pp. 42, 101.

Comptroller of the
Senate.
44 Stat. 162.

Approved October 31, 1969.

Public Law 91-106

AN ACT

To provide additional revenue for the District of Columbia, and for other purposes.

October 31, 1969
[H. R. 12982]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Revenue Act of 1969".

District of
Columbia Revenue
Act of 1969.

TITLE I—AMENDMENTS TO THE DISTRICT OF COLUMBIA SALES AND USE TAX ACTS

SEC. 101. Subsection (a) of section 114 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2601, par. 14(a)) is amended by adding at the end thereof the following new paragraphs:

63 Stat. 113;
82 Stat. 613.

Admission to
certain per-
formances.

Services to
tangible personal
property.

Secretarial
services.

Laundering
services.

78 Stat. 847.

82 Stat. 614.
Imposition of
tax.

"(8) The sale of or charges for admission to public events, including movies, musical performances, exhibitions, circuses, sporting events, and other shows or performances of any type or nature, except that any casual or isolated sale of or charge for admission made by a semipublic institution not regularly engaged in making such sales or charges shall not be considered a retail sale or sale at retail.

"(9) The sale of or charges for the service of repairing, altering, mending, or fitting tangible personal property, or applying or installing tangible personal property as a repair or replacement part of other tangible personal property, whether or not such service is performed by means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction with such service.

"(10) The sale of or charges for copying, photocopying, reproducing, duplicating, addressing, and mailing services and for public stenographic services.

"(11) The sale of or charges for the service of laundering, dry cleaning, or pressing of any kind of tangible personal property, except when such service is performed by means of self-service, coin-operated equipment."

SEC. 102. Subsection (b) of section 114 of the District of Columbia Sales Tax Act is amended—

- (1) by striking out paragraph (1),
- (2) by redesignating paragraph (2) as paragraph (1),
- (3) by redesignating paragraph (3) as paragraph (2) and by inserting before the period at the end of that paragraph a comma and the following: "except as otherwise provided in subsection (a) of this section", and
- (4) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

SEC. 103. Subsection (b)(3) of section 116 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2601, par. 16(b)(3)) is amended to read as follows:

"(3) The amount separately charged for labor or services rendered in installing or applying the property sold, except as provided in section 114(a) of this title."

SEC. 104. Section 125 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2602) is amended to read as follows:

"SEC. 125. A tax is imposed upon all vendors for the privilege of selling at retail certain tangible personal property and for the privilege of selling certain selected services (defined as 'retail sale' and 'sale at retail' in this title). The rate of such tax shall be 4 per centum

of the gross receipts from sales of or charges for such tangible personal property and services, except that—

Exceptions.

“(1) the rate of tax shall be 2 per centum of the gross receipts from (A) sales of food for human consumption off the premises where such food is sold, (B) sales of or charges for the services described in paragraph (11) of section 114(a) of this title, and (C) sales of medicines, pharmaceuticals, and drugs not made on prescriptions of duly licensed physicians, surgeons, or other general or special practitioners of the healing art;

“(2) the rate of tax shall be 5 per centum of the gross receipts from sales of or charges for any room or rooms, lodgings, or accommodations, furnished to transients by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients; and

“(3) the rate of tax shall be 5 per centum of the gross receipts from sales of (A) spirituous or malt liquors, beer, and wines, and (B) food for human consumption other than off the premises where such food is sold.”

SEC. 105. Paragraph (b) of section 127 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2604(b)) is amended to read as follows:

68 Stat. 118.

“(b) On each sale of food for human consumption off the premises where such food is sold where the sales price is from 13 cents to 62 cents, both inclusive, 1 cent; on each such sale where the sales price is from 63 cents to \$1.12, both inclusive, 2 cents; and on each 50 cents of the sales price or fraction thereof of such sale in excess of \$1.12, 1 cent.”

**Rate of tax,
food consumed
off premises.**

SEC. 106. Paragraph (o) of section 128 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2605(o)) is amended by striking out “whether or not”.

63 Stat. 117.

SEC. 107. (a) Subsection (a) of section 147 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2624(a)) is amended to read as follows:

66 Stat. 543.

“SEC. 147. (a) Any person who fails to file a return, who files a false or incorrect return, or who fails to pay the tax to the District within the time required by this title shall be subject to a penalty of 5 per centum of the amount of tax due if the failure is for not more than one month, with an additional 5 per centum for each additional month or fraction thereof during which such failure continues, not to exceed 25 per centum in the aggregate; plus interest at the rate of 1 per centum of such tax for each month or fraction thereof during which such failure continues; but the Commissioner may, if he is satisfied that the delay was excusable, waive all or any part of the penalty. Unpaid penalties and interest may be collected in the same manner as the tax imposed by this title. The penalty and interest provided for in this section shall be applicable to any tax determined as a deficiency.”

**Penalty and
interest.**

(b) Subsection (b) of such section is amended by striking out “The certificate of the Collector or Assessor, as the case may be,” and inserting in lieu thereof “The certificate of the Commissioner”.

63 Stat. 123.

SEC. 108. Subsection (a) of section 201 of the District of Columbia Use Tax Act (D.C. Code, sec. 47-2701(a)) is amended by adding at the end thereof the following new paragraphs:

68 Stat. 118.

“(6) The sale of or charges for admission to public events, including movies, musical performances, exhibitions, circuses, sporting events, and other shows or performances of any type or nature, except that any casual or isolated sale of or charge for admission made by a semi-public institution not regularly engaged in making such sales or charges shall not be considered a retail sale or sale at retail.

**Admission to
certain per-
formances.**

Services to
tangible per-
sonal property.

Secretarial
services.

Laundering
services.

63 Stat. 125;
70 Stat. 81;
82 Stat. 615.

Imposition of
tax.
82 Stat. 615.

Exceptions.

Effective date.

63 Stat. 128;
80 Stat. 856.

Effective date.

“(7) The sale of or charges for the service of repairing, altering, mending, or fitting tangible personal property, or applying or installing tangible personal property as a repair or replacement part of other tangible personal property, whether or not such service is performed by means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction with such service.

“(8) The sale of or charges for copying, photocopying, reproducing, duplicating, addressing, and mailing services and for public stenographic services.

“(9) The sale of or charges for the service of laundering, dry cleaning, or pressing of any kind of tangible personal property, except when such service is performed by means of self-service, coin-operated equipment.”

SEC. 109. Subsection (b) of section 201 of the District of Columbia Use Tax Act (D.C. Code, sec. 47-2701(b)) is amended—

- (1) by striking out paragraph (1),
- (2) by redesignating paragraph (2) as paragraph (1),
- (3) by redesignating paragraph (3) as paragraph (2) and by inserting before the period at the end of that paragraph a comma and the following: “except as otherwise provided in subsection (a) of this section”, and
- (4) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

SEC. 110. Section 212 of the District of Columbia Use Tax Act (D.C. Code, sec. 47-2702) is amended by striking out the last sentence and inserting in lieu thereof the following: “The rate of tax imposed by this section shall be 4 per centum of the sales price of such tangible personal property or services, except that—

“(1) the rate of tax shall be 2 per centum of the sales price of (A) sales of food for human consumption off the premises where such food is sold, (B) sales of the services described in paragraph (9) of section 201(a) of this title, and (C) sales of medicines, pharmaceuticals, and drugs not made on prescriptions of duly licensed physicians, surgeons, or other general or special practitioners of the healing art;

“(2) the rate of tax shall be 5 per centum of the sales price of sales of any room or rooms, lodgings, or accommodations, furnished to transients by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients; and

“(3) the rate of tax shall be 5 per centum of the sales price of sales of (A) spirituous or malt liquors, beer, and wines, and (B) food for human consumption other than off the premises where such food is sold.”

SEC. 111. The amendments made by this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

TITLE II—MOTOR VEHICLE EXCISE TAX

SEC. 201. Subsection (j) of section 6 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40-603(j)), is amended by striking out “3 per centum” and inserting in lieu thereof “4 per centum”.

SEC. 202. The amendment made by this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

TITLE III—AMENDMENTS TO DISTRICT OF COLUMBIA CIGARETTE TAX ACT

SEC. 301. Subsection (a) of section 603 of the District of Columbia Cigarette Tax Act (D.C. Code, sec. 47-2802(a)) is amended by striking out "3 cents" and inserting in lieu thereof "4 cents".

SEC. 302. (a) Except as otherwise provided, the amendment made by section 301 shall apply with respect to cigarette tax stamps purchased on or after the effective date of this title, which shall be the first day of the first month which begins on or after the thirtieth day after the date of the enactment of this Act.

(b) In the case of cigarette tax stamps which have been purchased prior to the effective date of this title and which on such date are held (affixed to a cigarette package or otherwise) by a wholesaler, retailer, or vending machine operator, licensed under the District of Columbia Cigarette Tax Act, such licensee shall pay to the Commissioner (in accordance with subsection (c)) an amount equal to the difference between the amount of tax represented by such tax stamps on the date of their purchase and the amount of tax which an equal number of cigarette tax stamps would represent if purchased on the effective date of this title.

(c) Within twenty days after the effective date of this title, each such licensee (1) shall file with the Commissioner a sworn statement (on a form to be prescribed by the Commissioner) showing the number of such cigarette tax stamps held by him as of the beginning of the day on which this title becomes effective or, if such day is a Sunday, as of the beginning of the following day, and (2) shall pay to the Commissioner the amount specified in subsection (b).

(d) Each such licensee shall keep and preserve for the twelve-month period immediately following the effective date of this title the inventories and other records made which form the basis for the information furnished to the Commissioner on the sworn statement required to be filed under this section.

(e) For purposes of this section, a tax stamp shall be considered as held by a wholesaler, retailer, or vending machine operator if title thereto has passed to such wholesaler, retailer, or operator (whether or not delivery to him has been made) and if title to such stamp has not at any time been transferred to any person other than such wholesaler, retailer, or operator.

(f) A violation of the provisions of subsection (b), (c), or (d) of this section shall be punishable as provided in section 611 of the District of Columbia Cigarette Tax Act (D.C. Code, sec. 47-2810).

63 Stat. 137;
80 Stat. 856.

Cigarette tax
stamps.

Effective
date.

D.C. Code
47-2801 note.

Record-
keeping.

Penalty.

63 Stat. 139.

TITLE IV—FEES FOR MOTOR VEHICLE REGISTRATION AND INSPECTION AND FOR MOTOR VEHICLE OPERA- TORS' PERMITS

SEC. 401. Section 2 of title IV of the District of Columbia Revenue Act of 1937 (D.C. Code, sec. 40-102) is amended—

(1) by striking out "\$1" and "50 cents" in paragraph (3) of subsection (b) (relating to fees for duplicate registration certificates and identification tags) and inserting in lieu thereof "\$2" and "\$1", respectively;

(2) by striking out "\$1" in paragraph (4) of subsection (b) (relating to fees for special use certificates and identification tags) and inserting in lieu thereof "\$3";

(3) by striking out "ten days" in such paragraph (4) and inserting in lieu thereof "twenty days";

64 Stat. 792.

(4) by inserting immediately after "Commissioners" in such paragraph (4) the following: ", except that in the event such certificate and tags are necessary for use in complying with vehicle inspection regulations made pursuant to the authority contained in section 7 of the Act approved February 18, 1938 (D.C. Code, sec. 40-207), prior to completion of the registration of such vehicle or trailer, the fee shall be \$2"; and

(5) by striking out "\$1" each place it appears in subsection (d) (relating to fee for transfer of registration) and inserting in lieu thereof in each such place "\$2".

SEC. 402. Section 3 of title IV of such Act (D.C. Code, sec. 40-103) is amended—

(1) by inserting immediately before the period at the end of subsection (a) (relating to registration fees) the following: ", and in the event the markings on any such tag are specially ordered by the person to whom the tag is to be issued and such markings are other than those in a regular series, a reservation fee of \$25 and an annual fee of \$10, in addition to all other fees which may be required, shall be charged for such specially ordered tag";

(2) by striking out "three thousand five hundred" in the paragraph designated "Class A" of subsection (b) (relating to registration fees for passenger motor vehicles) each place it appears and inserting in lieu thereof in each such place "three thousand four hundred", and by striking out "\$22" and "\$32" and inserting in lieu thereof "\$30" and "\$50", respectively;

(3) by striking out, in the paragraph designated "Class B" of subsection (b) (relating to registration fees for trucks, tractors, and certain commercial automobiles) "\$40", "\$44", "\$52", "\$60", "\$68", "\$74", "\$84", "\$96", "\$122", "\$142", "\$172", and "\$202", and inserting in lieu thereof "\$53", "\$59", "\$69", "\$80", "\$91", "\$99", "\$112", "\$128", "\$163", "\$191", "\$229", and "\$269", respectively;

(4) by striking out, in the paragraph designated "Class C" of subsection (b) (relating to registration fees for trailers), "\$8", "\$12", "\$20", "\$32", "\$46", "\$60", "\$74", "\$92", "\$122", "\$152", and "\$182", and inserting in lieu thereof "\$11", "\$16", "\$27", "\$43", "\$61", "\$80", "\$99", "\$123", "\$163", "\$203", and "\$243", respectively; and

(5) by striking out in subsection (d) (relating to division of registration fees between Highway Fund and General Fund) "sixty-four" and "seventy-four" and inserting in lieu thereof "forty-two" and "forty-seven", respectively.

SEC. 403. The first section of the Act entitled "An Act to provide for the annual inspection of all motor vehicles in the District of Columbia", approved February 18, 1938 (D.C. Code, sec. 40-201), is amended by striking out "\$1" and inserting in lieu thereof "\$3".

SEC. 404. Section 6 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40-603), is amended (1) by striking out "\$5" in subsection (a) (relating to fee for restoration of suspended or revoked permits and privileges) and inserting in lieu thereof "\$10", and (2) by striking out "\$1" in subsection (d) (relating to fees for titling and retitling) and inserting in lieu thereof "\$5".

SEC. 405. Subsection (a) of section 7 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40-301(a)), is amended (1) by striking out "\$3" in paragraph (1) (relating to fee for operator's permit) and inserting in lieu thereof "\$12", and by striking out in such paragraph "three years" and inserting in lieu thereof "four years"; and

52 Stat. 78.

64 Stat. 793;
70 Stat. 102.

52 Stat. 359;
68 Stat. 111;
71 Stat. 598;
74 Stat. 816.

61 Stat. 360;
82 Stat. 1002.

46 Stat. 1424;
76 Stat. 742.

62 Stat. 173;
68 Stat. 732.

(2) by striking out paragraph (4) and inserting in lieu thereof the following:

“(4) In the event an operator's permit or a learner's permit issued under the authority of this section is lost or destroyed, or requires replacement for any reason other than through error or other act of the Commissioner not caused by the person to whom such permit was issued, such person may obtain a duplicate or replacement permit upon payment of a fee of \$2.”

SEC. 406. Section 3 of the Motor Vehicle Safety Responsibility Act of the District of Columbia (D.C. Code sec. 40-419) is amended by inserting immediately before the period at the end of subsection (a) the following: “, including rules and regulations assessing reasonable fees to reimburse the District of Columbia for the cost of reinstating licenses and registrations suspended under the authority of this Act, such fees not to exceed the amount of \$10 for the reinstatement of a license or registration, or both a license and registration”.

SEC. 407. The amendments made by this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

TITLE V—AMENDMENTS TO THE DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL ACT

SEC. 501. (a) Clauses (4) and (5) of section 23(a) of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25-124(a)) are each amended by striking out “\$1.75” and inserting in lieu thereof “\$2.00”.

(b) Section 23(c)(1) of such Act (D.C. Code, sec. 25-124(c)(1)) is amended by striking out “tenth” and inserting in lieu thereof “fifteenth”.

(c)(1) The first sentence of section 40(a) of such Act (D.C. Code, sec. 25-138(a)) is amended by striking out “\$2.00” and inserting in lieu thereof “\$2.25”.

(2) Paragraph (1) of such section is amended by striking out “10th” and inserting in lieu thereof “15th”.

SEC. 502. (a) Except as otherwise provided in this title, the amendments made by section 501 shall apply with respect to—

(1) alcohol, spirits, and wines imported or brought into the District of Columbia or manufactured, and

(2) beer sold or purchased for resale,

on and after the effective date of this title, which shall be the first day of the first month which begins on or after the thirtieth day after the date of the enactment of this Act.

(b) In the case of alcohol, spirits, and beer which have been purchased prior to the effective date of this title and which on such date are held by a holder of a retailer's license, issued under the District of Columbia Alcoholic Beverage Control Act, such licensee shall pay to the Commissioner (in accordance with subsection (c)) an amount equal to the difference between the amount of tax imposed by such Act immediately prior to the effective date of this title on the amount of alcohol, spirits, and beer so held by him, and the amount of tax which would be imposed by the District of Columbia Alcoholic Beverage Control Act on such effective date on an equivalent amount of alcohol, spirits, and beer.

(c) Within twenty days after the effective date of this title, each such licensee (1) shall file with the Commissioner a sworn statement (on a form to be prescribed by the Commissioner) showing the quantity of alcohol, spirits, and beer held by him as of the beginning of the

Loss of permit.

68 Stat. 121.

Effective date.

70 Stat. 81;
80 Stat. 855.

75 Stat. 510.

52 Stat. 376;
80 Stat. 855.

Effective date.

day on which this title becomes effective or, if such day is a Sunday, as of the beginning of the following day, and (2) shall pay to the Commissioner the amount specified in subsection (b).

Recordkeeping.

(d) Each such licensee shall keep and preserve for the twelve-month period immediately following the effective date of this title the inventories and other records made which form the basis for the information furnished to the Commissioner on the sworn statement required to be filed under this section.

(e) For purposes of this section, alcohol, spirits, and beer shall be considered as held by a holder of a retailer's license if title thereto has passed to such holder (whether or not delivery to him has been made) and if title has not at any time been transferred to any person other than such holder.

Penalty.

(f) A violation of the provisions of subsection (b), (c), or (d) of this section shall be punishable as provided in section 33 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25-132).

48 Stat. 336.

TITLE VI—AMENDMENTS TO THE DISTRICT OF COLUMBIA INCOME AND FRANCHISE TAX ACT OF 1947

61 Stat. 332.

SEC. 601. (a) Section 4 of title I of article I of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47-1551c) is amended as follows:

(1) Paragraph (1) of such section is amended to read as follows: “(1)(1) The term ‘capital asset’ means property defined or treated as a capital asset under the Internal Revenue Code of 1954.

“(2) For the purpose of computing for any taxable year the tax imposed under this article with respect to sales or other dispositions of property referred to in subparagraph (1), the provisions of the Internal Revenue Code of 1954 relating to the treatment of gains and losses (other than the alternative tax imposed by section 1201 of such Code) shall apply.”

(2) Paragraph (m) of such section is amended by inserting immediately before the colon preceding the first proviso the following: “, except that in the case of any such distribution any part of which for purposes of the income tax imposed under the Internal Revenue Code of 1954 is deemed to constitute a capital gain, such part shall be deemed to constitute a capital gain for purposes of the tax imposed by this article”.

(3) Paragraph (aa) of such section is repealed.

(b) Title III of such article is amended as follows:

(1) Section 2(a) of such title (D.C. Code, sec. 47-1557a) is amended by striking out “other than capital assets” and inserting in lieu thereof “including capital assets”.

(2) Paragraph (11) of section 2(b) of such title is repealed.

(3) Paragraph (4) of section 3(a) of such title (D.C. Code, sec. 47-1557b) is amended by striking out subparagraph (C) and inserting in lieu thereof the following:

“(C) of property not connected with a trade or business, if such losses arise from fire, storm, shipwreck, or other casualty, or from theft, except that in the case of an individual, a loss described in this subparagraph shall be allowed only to the extent that the amount of loss to such individual arising from each casualty, or from each theft, exceeds \$100.

For purposes of the \$100 limitation of subparagraph (C), a husband and wife making a joint return for the taxable year in which the loss is allowed as a deduction shall be treated as one individual. No loss

“Capital asset.”

68A Stat. 320.
26 USC 1201-
1250.Repeal.
80 Stat. 858.
61 Stat. 335.

Repeal.

63 Stat. 130.

described in this paragraph shall be allowed if, at the time of filing the return, such loss has been claimed for inheritance or estate tax purposes."

(4) Paragraph (6) of section 3(b) of such title is repealed.

Repeal.

(c) Title XI of such article is amended as follows:

61 Stat. 339.
D.C. Code

(1) Section 1 of such title (D.C. Code, sec. 47-1583) is amended to read as follows:

47-1557b.
61 Stat. 350.

"**SEC. 1. BASIS FOR DETERMINING GAIN OR LOSS.**—The basis for determining the gain or loss from the sale or other disposition of property shall be the same basis as that provided for determining gain or loss under the Internal Revenue Code of 1954."

(2) (A) Section 2 of such title (D.C. Code, sec. 47-1583a) is amended to read as follows:

"**SEC. 2. COMPUTATION OF GAIN OR LOSS.**—The gain or loss, as the case may be, from the sale or other disposition of property, including the amount realized and the amount recognized, shall be determined in the same manner provided for the determination of gain or loss for Federal income tax purposes under the Internal Revenue Code of 1954."

(B) The item in the table of contents of such article relating to section 2 of title XI is amended to read as follows:

"**SEC. 2. Computation of gain or loss.**"

(3) (A) Sections 3 and 5 of such title (D.C. Code, secs. 47-1583b, 47-1583d) are repealed.

Repeals.

(B) The items in the table of contents of such article relating to such sections 3 and 5 are repealed.

(4) Section 6 of such title (D.C. Code, sec. 47-1583e) is amended to read as follows:

"**SEC. 6. DEPRECIATION.**—The basis used in determining the amount allowable as a deduction from gross income under the provisions of section 3(a)(7) of title III of this article shall be the same basis as that provided for determining the gain from the sale or other disposition of property for Federal income tax purposes under the Internal Revenue Code of 1954."

D.C. Code
47-1557b.

SEC. 602. Paragraph (5) of section 2(b) of title III of article I of the District of Columbia Income and Franchise Tax Act of 1947 (47-1557a) is amended to read as follows:

61 Stat. 335.

"(5) **COMPENSATION FOR INJURIES OR SICKNESS.**—To the extent not otherwise specifically excluded from gross income under this title, amounts excluded from gross income under sections 104 and 105 of the Internal Revenue Code of 1954."

26 USC 104,
105.

SEC. 603. (a) Title XII of article I of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, secs. 47-1586—47-1586n) is amended (1) by redesignating sections 14 and 15 as sections 15 and 16, respectively, and (2) by inserting after section 13 the following new section:

61 Stat. 352.

"**SEC. 14. DECLARATIONS OF ESTIMATED TAX BY CORPORATIONS AND UNINCORPORATED BUSINESSES.**—(a) **DECLARATION OF ESTIMATED TAX.**—Every corporation and unincorporated business required to make and file a franchise tax return under this article shall make and file a declaration of estimated tax at such time or times and under such conditions, and shall make payments of such tax during its taxable year in such amounts and under such conditions, as the District of Columbia Council shall by regulation prescribe. In the case of the taxable year beginning in 1970, such regulations may not require payment before the last day on which a return for such taxable year is required to be filed under section 3(a) of title V of this article of an aggregate amount of estimated tax for such year in excess of one-half of such estimated tax.

61 Stat. 342.
D.C. Code
47-1564b.

“(b) FAILURE BY CORPORATION OR UNINCORPORATED BUSINESS TO PAY ESTIMATED TAX.”—(1) ADDITION TO THE TAX.—In case of any underpayment of estimated tax by a corporation or an unincorporated business, there shall be added to the tax for the taxable year an amount determined at the rate of 6 per centum per annum upon the amount of the underpayment (determined under paragraph (2) for the period of the underpayment (determined under paragraph (3)).

“(2) AMOUNT OF UNDERPAYMENT.”—For purposes of paragraph (1), the amount of the underpayment shall be the excess of—

“(A) the amount of the installment which would be required to be paid if the estimated tax were equal to 80 per centum of the tax shown on the return for the taxable year or, if no return was filed, 80 per centum of the tax for such year, over

“(B) the amount, if any, of the installment paid on or before the last date prescribed for payment.

“(3) PERIOD OF UNDERPAYMENT.”—The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier—

“(A) the 15th day of the fourth month following the close of the taxable year; or

“(B) with respect to any portion of the underpayment, the date on which such portion is paid.

For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under paragraph (2)(A) for such installment date.

“(c) OVERPAYMENT; CREDIT OF TAX.”—Overpayment resulting from the payment of estimated tax for a taxable year in excess of the amount determined to be due upon the filing of a franchise tax return for such taxable year may be credited against the amount of estimated tax determined to be due on any declaration filed for the next succeeding taxable year or for any deficiency or nonpayment of tax for any previous taxable year. No refund shall be made of any estimated tax paid unless a complete return is filed.”

(b) That part of the table of contents of such article relating to title XII is amended—

(1) by inserting after the item relating to section 13 the following:

“SEC. 14. Declarations of estimated tax by corporations and unincorporated businesses.

“(a) Declaration of estimated tax.

“(b) Failure by corporation or unincorporated business to pay estimated tax.

“(1) Addition to the tax.

“(2) Amount of underpayment.

“(3) Period of underpayment.

“(c) Overpayment; credit of tax.”;

(2) by striking out “SEC. 14” and inserting in lieu thereof “SEC. 15”; and

(3) by striking out “SEC. 15” and inserting in lieu thereof “SEC. 16”.

SEC. 604. (a) (1) Section 2 of title VII of article I of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47-1571a) is amended by adding at the end thereof the following new sentence: “The minimum tax payable shall be \$25.00.”

(2) Section 3 of title VIII of such article (D.C. Code, sec. 47-1574b) is amended by adding at the end thereof the following new sentence: "The minimum tax payable shall be \$25.00." 61 Stat. 346;
82 Stat. 612.

(b) Title XIV of such article is amended as follows:

(1) Section 1 of such title (D.C. Code, sec. 47-1591) is amended by striking out subsection (a), and by striking out "(b)". 71 Stat. 606.

(2) Section 7 of such title (D.C. Code, sec. 47-1591f) is amended to read as follows:

"SEC. 7. PENALTY FOR FAILURE TO OBTAIN LICENSE.—Any person who violates section 1 of this title shall be fined not more than \$300, and each day that such violation continues shall constitute a separate offense. All prosecutions under this section shall be brought in the District of Columbia Court of General Sessions on information by the Corporation Counsel or any of his assistants in the name of the District."

SEC. 605. (a) Title VI of article I of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, secs. 47-1567—47-1567d) is amended by adding at the end thereof the following new section:

"SEC. 6. CREDIT FOR SALES TAX PAID.—

"(a)(1) For the purpose of providing relief to certain low-income residents of the District for sales tax paid on purchases of groceries, there shall be allowed to an individual a credit against the tax (if any) imposed by this article in an amount determined in accordance with the following table:

"If the adjusted gross income is:

The credit shall be the product of the number of personal exemptions allowed an individual on his return under section 2 of this title times—

"Not over \$2,000-----	\$6.00.
"Over \$2,000, but not over \$4,000-----	\$4.00.
"Over \$4,000, but not over \$6,000-----	\$2.00.

"(2) For purposes of paragraph (1), in determining the number of personal exemptions allowed an individual on his return under section 2 of this title—

"(A) there shall be excluded any exemption based on age or blindness,

"(B) there shall be included one additional exemption in any case in which an exemption of \$2,000 is allowed for a head of family or a married person living with husband or wife, and

"(C) there shall be excluded any exemption for any person who is an inmate or resident patient of a publicly owned and operated institution for an aggregate or more than 183 days of the taxable year.

"(b) If the amount of credit allowed an individual by subsection (a) for a taxable year exceeds the amount of tax (computed without regard to such subsection but after allowance of any other credit allowable under this article) imposed under this article on such individual for such taxable year a refund shall be allowed such individual to the extent that such credit exceeds the amount of such tax.

"(c) No credit (or refund) shall be allowed to an individual under this section unless—

"(1) such individual files a return under this article for a taxable year of not less than twelve months,

D.C. Code
47-1567a.

61 Stat. 343.

D.C. Code
47-1564 to
47-1564c.

“(2) such individual maintained his place of abode within the District for the entire taxable year of twelve months, and

“(3) (A) in the case of an individual who is required to file a return under title V, a return is filed by such individual within the time prescribed in section 3 of such title, or

“(B) in the case of an individual who is not required to file a return under such title, a return is filed by such individual under this section not later than the fifteenth day of the fourth month following the close of such taxable year.

In the case of an individual described in paragraph (3) (B), the Commissioner may grant a reasonable extension of time (but not more than six months) for filing a return under this section whenever in the Commissioner's judgment good cause exists therefor.

“(d) (1) A husband and wife filing separate returns for a taxable year for which a joint return could have been made by them may claim between them only the total credit (or refund) to which they would have been entitled under this section had a joint return been filed.

“(2) No individual for whom a personal exemption was allowed on another individual's return shall be entitled to a credit (or refund) under this section.”

(b) The table of contents of such article is amended by adding at the end of the part of such table relating to title VI the following:

“SEC. 6. Credit for sales tax paid.”

SEC. 606. The amendments made by sections 601, 602, and 604(a) of this title shall apply with respect to taxable years beginning after December 31, 1968. The amendments made by sections 603 and 605 of this title shall be effective with respect to taxable years beginning after December 31, 1969. The amendments made by section 604(b) of this title shall apply with respect to calendar years beginning after December 31, 1969.

SEC. 607. Nothing in the amendments made by this title shall be construed to have the effect—

(1) of increasing or decreasing the amount of District of Columbia income or franchise tax determined for any taxable year beginning before January 1, 1969, or

(2) of authorizing or requiring in the determination of District of Columbia income or franchise tax for any taxable year beginning after December 31, 1968, the inclusion in gross income of any gain, or the deduction from gross income of any loss, from the sale or other disposition in a taxable year beginning before January 1, 1969, of any property.

TITLE VII—FEDERAL PAYMENT AUTHORIZATION

80 Stat. 857;
82 Stat. 612.

Law enforcement,
appropriation.

SEC. 701. Section 1 of article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, sec. 47-2501a) is amended (1) by striking out “June 30, 1969” and inserting in lieu thereof “June 30, 1970”, and (2) by striking out “the sum of \$90,000,000” and inserting in lieu thereof “not to exceed \$105,000,000”.

SEC. 702. For the fiscal year ending June 30, 1970, there is authorized to be appropriated to the District of Columbia, in addition to any other amounts authorized to be appropriated to the District of Columbia for such fiscal year, not to exceed \$5,000,000 to enable it to undertake new law enforcement programs authorized by law after the date of the enactment of this Act or to otherwise increase the effectiveness of law enforcement in the District of Columbia.

TITLE VIII—GENERAL PROVISIONS

SEC. 801. The office of Director of Public Safety in the Executive Office of the Commissioner of the District of Columbia (created by Organization Order Numbered 8, dated April 18, 1968) is abolished. No funds appropriated for the government of the District of Columbia and no grant or loan by any department or agency of the United States Government to the government of the District of Columbia may be used to establish any similar office in the government of the District of Columbia to carry out any of the functions delegated to the Director of Public Safety by such order.

SEC. 802. During the fiscal year ending June 30, 1970, no person shall be appointed—

- (1) as a full-time employee to a permanent, authorized position in the government of the District of Columbia during any month when the number of such employees is greater than 41,500; or
- (2) as a temporary or part-time employee in the government of the District of Columbia during any month in which the number of such employees exceeds the number of such employees for the same month of the preceding fiscal year.

SEC. 803. No funds may be appropriated for any fiscal year under article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47-2501a—47-2501b) until the President of the United States has reported to the Congress that (1) the District of Columbia government has begun work on each of the projects listed in section 23(b) of the Federal-Aid Highway Act of 1968 and has committed itself to complete those projects, or (2) the District of Columbia government has not begun work on each of those projects, or made or carried out that commitment, solely because of a court injunction issued in response to a petition filed by a person other than the District of Columbia or any agency, department, or instrumentality of the United States.

SEC. 804. Except as otherwise provided in this title, nothing in this Act, or any amendments made by this Act, shall be construed to affect the authority vested in the Commissioner of the District of Columbia or the authority vested in the District of Columbia Council by Reorganization Plan Numbered 3 of 1967. The performance of any function vested by this Act in the Commissioner of the District of Columbia or in any office or agency under his jurisdiction and control, or in the District of Columbia Council, may be delegated by the Commissioner or by the Council, as the case may be, in accordance with the provisions of such Plan.

SEC. 805. (a) The repeal or amendment by this Act of any provision of law shall not affect any other provision of law, or any act done or any right accrued or accruing under such repealed or amended law, or any suit or proceeding had or commenced in any civil cause before repeal or amendment of such law; but all rights and liabilities under such repealed or amended law shall continue, and shall be enforced in the same manner and to the same extent, as if such repeal or amendment had not been made.

Office of
Director of
Public Safety,
abolishment.

Employment
limitation.

Restriction on
appropriations.
Ante, p. 180.

82 Stat. 827.

81 Stat. 948.
D.C. Code title
1 app.

Separability
provision.

(b) In the case of any offense committed or penalty incurred under any provision of law repealed or amended by this Act, such offense may be prosecuted and punished and such penalty may be enforced in the same manner and with the same effect as if this Act had not been enacted.

Approved October 31, 1969.

Public Law 91-107

November 4, 1969
[H. R. 9857]

Perishable Agricultural Commodities Act, 1930, amendment.
76 Stat. 673.

AN ACT

To amend the provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (6) of the first section of the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. 499a(6)), is amended by striking out "\$90,000" and inserting in lieu thereof "\$100,000".

SEC. 2. Paragraph (7) of the first section of such Act (7 U.S.C. 499a(7)) is amended by striking out "\$90,000" and inserting in lieu thereof "\$100,000".

SEC. 3. The third sentence of section 3(b) of such Act (7 U.S.C. 499c(b)) is amended by striking out "\$50" and inserting in lieu thereof "\$100".

Approved November 4, 1969.

Public Law 91-108

November 4, 1969
[H. R. 11609]

Great Smoky Mountains National Park, N.C. Construction authorization. 16 USC 403h-12.

AN ACT

To amend the Act of September 9, 1963, authorizing the construction of an entrance road at Great Smoky Mountains National Park in the State of North Carolina, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved September 9, 1963 (77 Stat. 154), authorizing the construction of an entrance road at Great Smoky Mountains National Park in the State of North Carolina, is amended—

(1) by striking out, in the first sentence of section 1, the words "on North Carolina Highway Numbered 107 close to its point of interchange with Interstate Route Numbered 40, near Hepco, North Carolina, to the eastern boundary of the park in the vicinity of the Cataloochee section, and to accept, on behalf of the United States, donations of land and interests in land for the construction of the entrance road, and to construct the entrance road on the donated land;" and inserting in lieu thereof the words: "near the intersection at White Oak Church of North Carolina Routes Numbered 1338 and 1346 to the eastern boundary of the park in the vicinity of the Cataloochee section, and to accept, on behalf of the United States, donations of land and interests in land for the construction of the entrance road together with the necessary interchange with said Routes 1338 and 1346, and to construct the entrance road and the interchange on the donated land;";

(2) by striking out the words "four and two-tenths" and "five hundred and twenty-five" in the proviso of section 1 and inserting in lieu thereof the words: "five and two-tenths" and "six hundred and fifty", respectively; and

(3) by striking out the figure "\$1,160,000" in section 2 and inserting in lieu thereof the words: "\$2,500,000 (1969 prices),¹³ plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein".

^{77 Stat. 155.}
^{16 USC 403h-}

Approved November 4, 1969.

Public Law 91-109

AN ACT

To amend the Act entitled "An Act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes", approved September 5, 1962.

November 6, 1969
[H. R. 5968]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act entitled "An Act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes", approved September 5, 1962 (76 Stat. 435), is amended to read as follows:

Frederick
Douglass home.

"SEC. 4. There are authorized to be appropriated such sums, but not more than \$413,000, as may be needed for the restoration and development of buildings and grounds at Cedar Hill."

Appropriation.

Approved November 6, 1969.

Public Law 91-110

AN ACT

To authorize and direct the Secretary of Agriculture to execute a subordination agreement with respect to certain lands in Lee County, South Carolina.

November 6, 1969
[H. R. 9946]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized and directed to execute and deliver to the Board of Education of Lee County, South Carolina, its successors and assigns, an agreement subordinating all right, title, and interest of the United States of America in and to the land hereinafter described to a lien or liens to be executed by the said Board of Education of Lee County, South Carolina, its successors or assigns for the financing of consolidated public school improvements on the said land, which consists of those tracts of land, situate in said Lee County, South Carolina, containing eleven parcels, five of said parcels being more particularly described in a deed dated December 14, 1945, from the United States conveying said parcels to the State Superintendent of Education for the State of South Carolina, recorded in the land records of the office of the Clerk of Courts for Lee County, South Carolina, in deed book H-1, page 388, and six of said parcels being more particularly described in a deed dated July 15, 1946, from the United States to the State Superintendent of Education for the State of South Carolina, and recorded in the land records of the office of the Clerk of Courts for Lee County, South Carolina, in deed book J-1, page 288.

Board of
Education.
Lee County,
S.C.
Lands.

Approved November 6, 1969.

Public Law 91-111

November 6, 1969[H. J. Res. 910]

JOINT RESOLUTION

To declare a national day of prayer and concern for American servicemen being held prisoner in North Vietnam.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 9, 1969, be declared a national day of prayer and concern on behalf of the American servicemen being held prisoner by the North Vietnamese.

Approved November 6, 1969.

Public Law 91-112

November 6, 1969[S. 210]

AN ACT

To declare that certain federally owned lands are held by the United States in trust for the Indians of the Pueblo of Laguna.

Indians of the
Pueblo of
Laguna, N. Mex.
Lands held in
trust.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in and to the following described federally owned lands and all improvements thereon, situated in Valencia and Sandoval Counties, New Mexico, which were acquired for school, sanatorium, clinic, agency, or other administrative purposes, are hereby declared to be held by the United States in trust for the Pueblo of Laguna:

Antonio Sedillo Grant administrative site situated in unsurveyed sections 2, 11, 12, and 14, township 8 north, range 3 west, New Mexico principal meridian, and more particularly described as beginning at center of west line of section 11, thence south along same section line approximately one-sixteenth mile to a point where a fence line ties on to west line of same section; thence southeasterly along said fence line approximately one mile through the southwest quarter and southeast quarter section 11, and to a point in the northeast quarter section 14 where said fence corners; thence in a northeasterly direction along same fence line through sections 14, 11, and 12 to a point where said fence ties on to a mesa rim; thence in a northeasterly direction along mesa rim to a point where same mesa rim turns in an easterly direction; thence north approximately fifty yards to a water gap on Rio San Jose in northwest quarter section 12; thence in a northwesterly direction through the northwest quarter section 12, northeast quarter section 11 and southeast quarter section 2 to a point where channel of Rio San Jose turns westerly; thence along said channel of Rio San Jose westerly, southwesterly and northwesterly approximately one mile to a point of intersection of said channel with the west line of section 2; thence south along west lines of sections 2 and 11, township 8 north, range 3 west, to point of beginning, containing 640 acres, more or less.

Bernabe M. Montano Grant administrative site described as the southwest quarter section 7 and northwest quarter section 18, township 12 north, range 1 west, New Mexico principal meridian, containing 320 acres, more or less.

Laguna Sanatorium site situated in sections 4 and 5, township 9 north, range 5 west, New Mexico principal meridian, described in quitclaim deed dated June 7, 1923, from the Pueblo of Laguna to the United States of America, as follows: From the southeast corner

of the school tract, north 32 degrees 15 minutes east 6.47 chains to the southwest corner of the addition; thence south 57 degrees 45 minutes east 4.00 chains to the southeast corner; thence north 21 degrees 57 minutes east 7.00 chains; thence north 77 degrees 09 minutes east 6.05 chains; thence north 13 degrees 39 minutes east 3.87 chains; thence north 7 degrees 33 minutes east 9.47 chains to the northeast corner; thence north 82 degrees 27 minutes west 1.97 chains to the northwest corner; thence south 32 degrees 15 minutes west 22.62 chains to the place of beginning, containing 9.90 acres more or less.

Government excluded tract that was excepted and excluded from United States Patent Numbered 89,316 dated November 15, 1909, to the Pueblo of Laguna covering the Pueblo of Laguna grant in townships 9 and 10 north, ranges 5 and 6 west, New Mexico principal meridian, described as beginning at a point 72 feet westwardly from the center of the main line of the Santa Fe Pacific Railroad and 75 feet northwardly from Robert G. Marmon's north fence; thence north 32 degrees 15 minutes east on a line parallel to the railroad, 21 chains 47 links to the northeast corner, which is a mound of stone; thence north 57 degrees 45 minutes west, 15 chains to the northwest corner which is a pile of stone; then south 32 degrees 15 minutes west, 21 chains 47 links to the southwest corner, which is a point; thence south 57 degrees 45 minutes east, 15 chains to the southeast corner and place of beginning, containing 32.20 acres, more or less.

Encinal School site (acquired by condemnation in case numbered 1604, equity, in the United States District Court in the District of New Mexico), situated in section 3, township 10 north, range 6 west, New Mexico principal meridian, and more particularly described as follows: The place of beginning is a point located north 44 degrees 40 minutes east a distance of 1,300.0 feet and thence north 56 degrees 15 minutes east a distance of 232.0 feet from the southwest section corner of section 3, township 10 north, range 6 west. From said place of beginning line runs north a distance of 335.1 feet; thence east 260.0 feet; thence south 335.1 feet; thence west 260.0 feet to point of beginning, and contains 2 acres, more or less.

Laguna Day School site (acquired through condemnation proceedings in United States District Court in the District of New Mexico, case numbered 2895; final decree filed May 19, 1937), consisting of two parcels described as follows:

Parcel numbered 1 situated in section 5, township 9 north, range 5 west, New Mexico principal meridian, lying south of and adjacent to the United States Government excluded tract situated in said section, and more particularly described as beginning at the northeast corner of parcel numbered 1, which corner is located on the south boundary of the said United States Government excluded tract, and bears north 57 degrees 45 minutes west 212.7 feet from the southeast corner of the said United States Government excluded tract, and running thence north 57 degrees 45 minutes west 210 feet, more or less, along the south boundary of the said United States Government excluded tract to the northwest corner of said certain tract; thence south 32 degrees 16 minutes west 173.3 feet, more or less, to the southwest corner, thence south 54 degrees 06 minutes east 197.7 feet to the southeast corner; thence north 36 degrees 03 minutes east 186.9 feet, more or less, to the point of beginning, containing 0.83 acres, more or less.

Parcel numbered 2 situated in section 5, township 9 north, range 5 west, New Mexico principal meridian, lying south of and adjacent to the United States Government excluded tract situated in said section, and more particularly described as beginning at the

northwest corner of parcel numbered 2, which corner is located at the intersection of the south boundary of the United States Government excluded tract with the south right-of-way line of United States Highway Numbered 66 and bears north 57 degrees 45 minutes west 503 feet, more or less, from the southeast corner of the said United States Government excluded tract, and running thence south 57 degrees 45 minutes east 81 feet, more or less, to the northeast corner of said tract; thence south 32 degrees 16 minutes west 173.2 feet to the southeast corner of said tract; thence north 54 degrees 06 minutes west 227 feet, more or less, to the southwest corner, which corner is a point on the south right-of-way line of United States Highway Numbered 66; thence following a 3-degree 5.2-minute curved line curving to the right and following the said south right-of-way line of Highway Numbered 66 a distance of 217 feet, more or less, to the point of beginning, containing 0.61 acres, more or less.

Paguate School site (acquired by condemnation in case numbered 125, in the United States District Court in the District of New Mexico; judgment rendered July 5, 1912), situated in section 33, township 11 north, range 5 west, New Mexico principal meridian, and more particularly described as beginning at the 11th mile corner on the north boundary of the Paguate purchase; thence south 34 degrees 20 minutes west, a distance of 36.25 chains; thence south 3 degrees 50 minutes east, a distance of 32.00 chains; thence south 17 degrees 41 minutes east, a distance of 95.18 chains to the southwest corner of the lot; thence south 77 degrees 15 minutes east, a distance of 3.395 chains; thence north 10 degrees 43 minutes east, a distance of 3.82 chains; thence north 89 degrees 38 minutes west, a distance of 2.175 chains; thence south 30 degrees 40 minutes west, a distance of 0.67 chains; thence north 82 degrees 33 minutes west, a distance of 1.06 chains; thence south 9 degrees 54 minutes west, a distance of 2.613 chains to the southwest corner, containing 1.11 acres, more or less.

Mesita School site (acquired by condemnation in case numbered 86; judgment rendered June 3, 1912), situated in section 18, township 9 north, range 4 west, New Mexico principal meridian, and more particularly described as beginning at the southwest corner of the school site, which is north 1 degree east a distance of 3 miles 24.6 chains from the standard corner of township 9 north, ranges 4 and 5 west, New Mexico principal meridian; thence south 84 degrees 46 minutes east, a distance of 4.00 chains; thence north 5 degrees 14 minutes east 2.50 chains; thence north 84 degrees 46 minutes west 4.00 chains; thence south 5 degrees 14 minutes west 2.50 chains to point of beginning, containing 1 acre, more or less.

Paraje School site described as south half northwest quarter northwest quarter southeast quarter section 33, township 10 north, range 6 west, New Mexico principal meridian, containing 5 acres, more or less.

Seama Government site described as northwest quarter southwest quarter southwest quarter northwest quarter section 6, township 9 north, range 6 west, New Mexico principal meridian, containing 2.50 acres, more or less.

Seama School site (acquired by condemnation in case numbered 1604, equity), situated in section 36, township 10 north, range 7 west, New Mexico principal meridian, and more particularly described as follows: The place of beginning is a point on the one-sixteenth subdivision line 1,251.3 feet west from the east one-sixteenth corner of the southeast quarter section 36, township 10 north, range 7 west, New

Mexico principal meridian. From said place of beginning, line runs west on said one-sixteenth subdivision line for a distance of 208.7 feet; thence north 417.4 feet; thence east 208.7 feet; thence south 417.4 feet to place of beginning, containing 2 acres, more or less.

SEC. 2. This conveyance is subject to all valid existing rights-of-way of record; and to the right of the United States Public Health Service to continue use and occupancy of that property, presently in use by it, for so long as is necessary.

SEC. 3. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of any lands and improvements placed in a trust status under the authority of this Act should or should not be set off against any claim against the United States determined by the Commission.

Approved November 6, 1969.

Rights-of-way.
Public Health
Service
occupancy.

25 USC 70a.

Public Law 91-113.

AN ACT

To amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes.

November 6, 1969
[S. 1689]

Child
Protection and
Toy Safety Act
of 1969.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Child Protection and Toy Safety Act of 1969".

SEC. 2. (a) Section 2(f)1 of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)(1)) is amended by adding at the end thereof the following:

74 Stat. 372.

"(D) Any toy or other article intended for use by children which the Secretary by regulation determines, in accordance with section 3(e) of this Act, presents an electrical, mechanical, or thermal hazard."

(b) Section 3 of such Act (15 U.S.C. 1262) is amended by adding at the end thereof the following new subsection:

"(e) (1) A determination by the Secretary that a toy or other article intended for use by children presents an electrical, mechanical, or thermal hazard shall be made by regulation in accordance with the procedures prescribed by section 553 (other than clause (B) of the last sentence of subsection (b) of such section) of title 5 of the United States Code unless the Secretary elects the procedures prescribed by subsection (e) of section 701 of the Federal Food, Drug, and Cosmetic Act, in which event such subsection and subsections (f) and (g) of such section 701 shall apply to the making of such determination. If the Secretary makes such election, he shall publish that fact with the proposal required to be published under paragraph (1) of such subsection (e).

"(2) If, before or during a proceeding pursuant to paragraph (1) of this subsection, the Secretary finds that, because of an electrical, mechanical, or thermal hazard, distribution of the toy or other article involved presents an imminent hazard to the public health and he, by order published in the Federal Register, gives notice of such finding, such toy or other article shall be deemed to be a banned hazardous substance for purposes of this Act until the proceeding has been completed. If not yet initiated when such order is published, such a proceeding shall be initiated as promptly as possible.

Regulations.

80 Stat. 383.

70 Stat. 919.

52 Stat. 1055.

21 USC 371.

Notice of
finding.

Publication
in Federal
Register.

Filing of petition.

80 Stat. 383.

"(3) (A) In the case of any toy or other article intended for use by children which is determined by the Secretary, in accordance with section 553 of title 5 of the United States Code, to present an electrical, mechanical, or thermal hazard, any person who will be adversely affected by such a determination may, at any time prior to the 60th day after the regulation making such determination is issued by the Secretary, file a petition with the United States Court of Appeals for the circuit in which such person resides or has his principal place of business for a judicial review of such determination. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose. The Secretary shall file in the court the record of the proceedings on which the Secretary based his determination, as provided in section 2112 of title 28 of the United States Code.

72 Stat. 941.

Hearing; additional evidence.

Modification of findings.

Judicial review.

80 Stat. 393.

"(B) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there was no opportunity to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary in a hearing or in such other manner, and upon such terms and conditions, as to the court may seem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original determination, with the return of such additional evidence.

"(C) Upon the filing of the petition under this paragraph, the court shall have jurisdiction to review the determination of the Secretary in accordance with subparagraphs (A), (B), (C), and (D) of paragraph (2) of the second sentence of section 706 of title 5 of the United States Code. If the court ordered additional evidence to be taken under subparagraph (B) of this paragraph, the court shall also review the Secretary's determination to determine if, on the basis of the entire record before the court pursuant to subparagraphs (A) and (B) of this paragraph, it is supported by substantial evidence. If the court finds the determination is not so supported, the court may set it aside. With respect to any determination reviewed under this paragraph, the court may grant appropriate relief pending conclusion of the review proceedings, as provided in section 705 of such title.

"(D) The judgment of the court affirming or setting aside, in whole or in part, any such determination of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28 of the United States Code."

(c) The proviso in section 2(q) (1) of such Act is amended by inserting "or necessarily present an electrical, mechanical, or thermal hazard" after "hazardous substance involved".

(d) Section 2 of such Act is amended by adding at the end thereof the following:

"(r) An article may be determined to present an electrical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture may cause personal injury or illness by electric shock.

"(s) An article may be determined to present a mechanical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness (1) from fracture, fragmentation, or disas-

62 Stat. 928.

80 Stat. 1304.

15 USC 1261.

Hazards.
74 Stat. 372.

Electrical.

Mechanical.

sembly of the article, (2) from propulsion of the article (or any part or accessory thereof), (3) from points or other protrusions, surfaces, edges, openings, or closures, (4) from moving parts, (5) from lack or insufficiency of controls to reduce or stop motion, (6) as a result of self-adhering characteristics of the article, (7) because the article (or any part or accessory thereof) may be aspirated or ingested, (8) because of instability, or (9) because of any other aspect of the article's design or manufacture.

"(t) An article may be determined to present a thermal hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness because of heat as from heated parts, substances, or surfaces."

SEC. 3. (a) Subparagraph 1(A) of section 2(f) of the Federal Hazardous Substances Act (15 U.S.C. 1261 (f)(1)(A)) is amended by inserting "or combustible" after "flammable".

(b) Section 2(l) of such Act (15 U.S.C. 1261(l)) is amended—

(1) by striking out "and the term" and inserting in lieu thereof "the term";

(2) by inserting before the semicolon the following: " , and the term 'combustible' shall apply to any substance which has a flash point above eighty degrees Fahrenheit to and including one hundred and fifty degrees, as determined by the Tagliabue Open Cup Tester";

(3) by inserting "or combustibility" after "flammability"; and

(4) by inserting " , combustible," after "the terms 'flammable' .

(c) Section 2(p)(1)(E) of such Act (15 U.S.C. 1261 (p)(1)(E)) is amended by inserting " 'Combustible,' " after " 'Flammable,' ".

SEC. 4. (a) The Federal Hazardous Substances Act is amended by redesignating sections 15, 16, 17, and 18 as sections 16, 17, 18, and 19, respectively, and by inserting after section 14 the following new section:

"REPURCHASE OF BANNED HAZARDOUS SUBSTANCES

"SEC. 15. (a) In the case of any article or substance sold by its manufacturer, distributor, or dealer which is a banned hazardous substance (whether or not it was such at the time of its sale), such article or substance shall, in accordance with regulations of the Secretary, be repurchased as follows:

"(1) The manufacturer of any such article or substance shall repurchase it from the person to whom he sold it, and shall—

 "(A) refund that person the purchase price paid for such article or substance,

 "(B) if that person has repurchased such article or substance pursuant to paragraph (2) or (3), reimburse him for any amounts paid in accordance with that paragraph for the return of such article or substance in connection with its repurchase, and

 "(C) if the manufacturer requires the return of such article or substance in connection with his repurchase of it in accordance with this paragraph, reimburse that person for any reasonable and necessary expenses incurred in returning it to the manufacturer.

"(2) The distributor of any such article or substance shall repurchase it from the person to whom he sold it, and shall—

 "(A) refund that person the purchase price paid for such article or substance,

 "(B) if that person has repurchased such article or substance pursuant to paragraph (3), reimburse him for any amounts paid in accordance with that paragraph for the return of such article or substance in connection with its repurchase, and

Thermal.

74 Stat. 372.

74 Stat. 373.

74 Stat. 380.
15 USC 1261
notes, 401 note.

“(C) if the distributor requires the return of such article or substance in connection with his repurchase of it in accordance with this paragraph, reimburse that person for any reasonable and necessary expenses incurred in returning it to the distributor.

“(3) In the case of any such article or substance sold at retail by a dealer, if the person who purchased it from the dealer returns it to him, the dealer shall refund the purchaser the purchase price paid for it and reimburse him for any reasonable and necessary transportation charges incurred in its return.

“Manufacturer.”

“(b) For the purposes of this section, (1) the term ‘manufacturer’ includes an importer for resale, and (2) a dealer who sells at wholesale an article or substance shall with respect to that sale be considered the distributor of that article or substance.”

74 Stat. 380.
15 USC 1261
note.

15 USC 401
note.

Effective date.

(b)(1) Subsection (a) of the section of such Act redesignated as section 18 is amended by striking out “section 18” and inserting in lieu thereof “section 19”.

(2) The section of such Act redesignated as section 19 is amended by striking out “section 16(b)” and inserting in lieu thereof “section 17(b)”.

SEC. 5. The amendments made by this Act shall take effect on the sixtieth day following the date of the enactment of this Act.

Approved November 6, 1969.

Public Law 91-114

November 10, 1969
[H. R. 337]

AN ACT

To increase the maximum rate of per diem allowance for employees of the Government traveling on official business, and for other purposes.

Federal em-
ployees.
Per diem
allowance,
increase.
80 Stat. 498.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5702 of title 5, United States Code, is amended by striking out “\$16” and inserting in lieu thereof “\$25”, by striking out “\$30” and inserting in lieu thereof “\$40”, and by striking out “\$10” and inserting in lieu thereof “\$18”.

SEC. 2. Section 5703 of title 5, United States Code, is amended by striking out “\$16” and inserting in lieu thereof “\$25”, by striking out “\$30” and inserting in lieu thereof “\$40”, and by striking out “\$10” and inserting in lieu thereof “\$18”.

SEC. 3. The seventh paragraph under the heading “Administrative Provisions” in the Senate section of the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 68b), is amended by striking out “\$16” and inserting in lieu thereof “\$25”, and by striking out “\$30”, and inserting in lieu thereof “\$40”.

Approved November 10, 1969.

Public Law 91-115

November 10, 1969
[S. 73]

AN ACT

To amend the Act entitled “An Act to authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, South Dakota”.

Rosebud Sioux
Indian Reser-
vation, S. Dak.
Lands.
Foreclosure or
sale proceed-
ings.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of December 11, 1963 (77 Stat. 349), Public Law 88-196, entitled “An Act to authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, South Dakota”, be and the same is hereby amended by adding a section 3 reading as follows:

“SEC. 3. Any land mortgaged under section 2 of this Act shall be subject to foreclosure or sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of South Dakota. For the purpose of any foreclosure or sale proceeding, the Rosebud Sioux Tribe shall be regarded as vested with an unrestricted fee simple title to the land, the United States shall not be a necessary party to the foreclosure or sale proceeding, and any conveyance of the land pursuant to the foreclosure or sale proceeding shall divest the United States of title to the land. Title to any land redeemed or acquired by the Rosebud Sioux Tribe at such foreclosure or sale proceeding shall be taken in the name of the United States in trust for the tribe. Title to any land purchased by an individual Indian member of the Rosebud Sioux Tribe at such foreclosure sale or proceeding may, with the consent of the Secretary of the Interior, be taken in the name of the United States in trust for the individual Indian purchaser.”

SEC. 2. The Act of December 11, 1963 (77 Stat. 349), Public Law 88-196, entitled “An Act to authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, South Dakota”, is further amended by adding a section 4 reading as follows:

“SEC. 4. The provisions of this Act shall not apply to the foreclosure of a mortgage or a deed of trust which is then owned by an individual Indian.”

Approved November 10, 1969.

Public Law 91-116

JOINT RESOLUTION

To increase the appropriation authorization for the food stamp program for fiscal year 1970 to \$610,000,000.

November 13, 1969
[H. J. Res. 934]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 16(a) of the Food Stamp Act of 1964 is amended by striking “\$340,000,000” and inserting “\$610,000,000”.

78 Stat. 709;
82 Stat. 958.
7 USC 2025.

Approved November 13, 1969.

Public Law 91-117

JOINT RESOLUTION

Making further continuing appropriations for the fiscal year 1970, and for other purposes.

November 14, 1969
[H. J. Res. 966]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1970, namely:

Continuing appropriations,
1970.

SEC. 101. (a) Such amounts as may be necessary for continuing projects or activities which were conducted in the fiscal year 1969 and are listed in this subsection at a rate for operations not in excess

of the fiscal year 1969 rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority—activities for which provision was made in the Department of Defense Appropriation Act, 1969;

activities for which provision was made in the District of Columbia Appropriation Act, 1969;

activities for which provision was made in the Foreign Assistance and Related Agencies Appropriation Act, 1969;

activities for which provision was made in the Military Construction Appropriation Act, 1969;

activities for which provision was made in the Department of Transportation Appropriation Act, 1969;

activities (except for the National Council on Indian Opportunity) for which provision was made under section 307 of the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1969;

activities of the Civil Aeronautics Board;

activities of the Interstate Commerce Commission;

activities under the Foreign Military Credit Sales Act; and

activities of the Office of Economic Opportunity and "Development of Programs for the Aging" for which provision was made in the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1969.

(b) (1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1969 and for which appropriations, funds, or other authority would be available in the following Appropriation Acts for the fiscal year 1970:

Department of Agriculture and Related Agencies Appropriation Act;

Independent Offices and Department of Housing and Urban Development Appropriation Act;

Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act;

Legislative Branch Appropriation Act;

Public Works for Water, Pollution Control, and Power Development and Atomic Energy Commission Appropriation Act; and

Departments of Labor, and Health, Education, and Welfare Appropriation Act: *Provided*, That not to exceed \$8,100,000 shall be available from the appropriation for the fiscal year 1970, granted under the heading "Elementary and secondary educational activities" in the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1969, for use by the Department of the Interior under section 103(a)(1)(A) of the Elementary and Secondary Education Act of 1965, as amended.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House is different from that which would be available or granted under such Act as passed by the Senate, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority.

(4) Whenever an Act listed in this subsection has been passed by only one House or where an item is included in only one version of an Act as passed by both Houses, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the fiscal

82 Stat. 1120.

82 Stat. 694.

82 Stat. 1137.

82 Stat. 864.

82 Stat. 654.

82 Stat. 956.

82 Stat. 1320.
22 USC 2751
note.

82 Stat. 969.

82 Stat. 969.

80 Stat. 1191;
81 Stat. 787.
20 USC 241c.

year 1969 rate or the rate permitted by the action of the one House, whichever is lower: *Provided*, That in the case of activities for which appropriations would be available to the Office of Education under the Act making appropriations for the Departments of Labor, and Health, Education, and Welfare for the fiscal year 1970, as passed by the House, the amount available for each such activity shall be the amount provided therefor by the House action: *Provided*, That projects or activities for which disbursements are made by the Secretary of the Senate, and Senate items under the Architect of the Capitol, shall continue at the rate, to the extent, and in the manner permitted by the action of the one House: *Provided further*, That no provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable Appropriation Act for 1969, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and Senate.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) December 6, 1969, whichever first occurs.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in subsection (d) (2) of section 3679 of the Revised Statutes, as amended, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds or to permit the use, including the expenditure, of appropriations, funds, or authority in any manner which would contravene the provisions of title IV of the Second Supplemental Appropriation Act, 1969.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity which was not being conducted during the fiscal year 1969.

SEC. 107. Any appropriation for the fiscal year 1970 required to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of pay increases granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of section 3679, Revised Statutes, as amended.

SEC. 108. This joint resolution shall take effect November 1, 1969.

Approved November 14, 1969.

31 USC 665.

Ante, p. 82.

31 USC 665.

Effective date.

Public Law 91-118

November 18, 1969
 [H. R. 10595]

AN ACT

To amend the Act of August 7, 1936 (70 Stat. 1115), as amended, providing for a Great Plains conservation program.

Soil Conservation and Domestic Allotment Act, amendment.
 70 Stat. 1115.
 16 USC 590p.
 Great Plains conservation program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 16(b)(1) of the Soil Conservation and Domestic Allotment Act, as amended, is amended to read as follows:

"(1) the Secretary is authorized, within the amounts of such appropriations as may be provided therefor, to enter into contracts of not to exceed ten years with owners and operators of land in the Great Plains area having such control as the Secretary determines to be needed of the farms, ranches, or other lands covered thereby; but such contracts shall be entered into with respect to lands, other than farms or ranches, only where erosion is so serious as to make such contracts necessary for the protection of farm or ranch lands. Such contracts shall be designed to assist farm, ranch, or other land owners or operators to make, in orderly progression over a period of years, changes in their cropping systems or land uses which are needed to conserve, develop, protect, and utilize the soil and water resources of their farms, ranches, and other lands and to install the soil and water conservation measures and carry out the practices needed under such changed systems and uses. Such contracts may be entered into during the period ending not later than December 31, 1981, with respect to farms, ranches, and other lands in counties in the Great Plains area of the States of Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, designated by the Secretary as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors. The land owner or operator shall furnish to the Secretary a plan of farming operations or land use which incorporates such soil and water conservation practices and principles as may be determined by him to be practicable for maximum mitigation of climatic hazards of the area in which such land is located, and which outlines a schedule of proposed changes in cropping systems or land use and of the conservation measures which are to be carried out on the farm, ranch, or other land during the contract period to protect the farm, ranch, or other land from erosion and deterioration by natural causes. Such plan may also include practices and measures for (a) enhancing fish and wildlife and recreation resources, (b) promoting the economic use of land, and (c) reducing or controlling agricultural related pollution. Inclusion in the farm plan of these practices shall be the exclusive decision of the land owner or operator. Approved conservation plans of land owners and operators developed in cooperation with the soil and water conservation district in which their lands are situated shall form a basis for contracts. Under the contract the land owner or operator shall agree—

“(i) to effectuate the plan for his farm, ranch, or other land substantially in accordance with the schedule outlined therein unless any requirement thereof is waived or modified by the Secretary pursuant to paragraph (3) of this subsection;

“(ii) to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder upon his violation of the contract at any stage during the time he has control of the land if the Secretary, after considering the recommendations

of the soil and water conservation district board, determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if he determines that the violation by the owner or operator does not warrant termination of the contract;

“(iii) upon transfer of his right and interest in the farm, ranch, or other land during the contract period to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder unless the transferee of any such land agrees with the Secretary to assume all obligations of the contract;

“(iv) not to adopt any practice specified by the Secretary in the contract as a practice which would tend to defeat the purposes of the contract;

“(v) to such additional provisions as the Secretary determines are desirable and includes in the contract to effectuate the purposes of the program or to facilitate the practical administration of the program.

“In return for such agreement by the landowner or operator the Secretary shall agree to share the cost of carrying out those conservation practices and measures set forth in the contract for which he determines that cost sharing is appropriate and in the public interest. The portion of such cost (including labor) to be shared shall be that part which the Secretary determines is necessary and appropriate to effectuate the physical installation of the conservation practices and measures under the contract;”

SEC. 2. Section 16(b)(2) of said Act is amended to read:

“(2) the Secretary may terminate any contract with a land owner or operator by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public interest, and may agree to such modification of contracts previously entered into as he may determine to be desirable to carry out the purposes of the program or facilitate the practical administration thereof or to accomplish equitable treatment with respect to other similar conservation, land use, or commodity programs administered by the Secretary;”

SEC. 3. Section 16(b)(7) of said Act is amended, to read:

“(7) there is hereby authorized to be appropriated, without fiscal year limitations, such sums as may be necessary to carry out this subsection: *Provided*, That the total cost of the program (excluding administrative costs) shall not exceed \$300,000,000, and for any program year payments shall not exceed \$25,000,000. The funds made available for the program under this subsection may be expended without regard to the maximum payment limitation and small payment increases required under section 8(e) of this Act, and may be distributed among States without regard to distribution of funds formulas of section 15 of this Act. The program authorized under this subsection shall be in addition to, and not in substitution of, other programs in such area authorized by this or any other Act.”

Cost sharing.

Termination of
contract.
70 Stat. 1116.
16 USC 590p.

Appropriation.

52 Stat. 34.
16 USC 590h.
49 Stat. 1151;
52 Stat. 35;
68 Stat. 908.
16 USC 590o.

Approved November 18, 1969.

Public Law 91-119

November 18, 1969
[H. R. 11271]

AN ACT

To authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

National Aero-
nautics and Space
Administration
Authorization Act,
1970.

Research and
development.

Construction of
facilities.

Research and
program manage-
ment.
Program speci-
fications.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

- (1) Apollo, \$1,691,100,000;
- (2) Space flight operations, \$225,627,000;
- (3) Advanced missions, \$2,500,000;
- (4) Physics and astronomy, \$117,600,000;
- (5) Lunar and planetary exploration, \$138,800,000;
- (6) Bioscience, \$20,400,000;
- (7) Space applications, \$128,400,000;
- (8) Launch vehicle procurement, \$112,600,000;
- (9) Sustaining university program, \$9,000,000;
- (10) Space vehicle systems, \$27,500,000;
- (11) Electronics systems, \$33,550,000;
- (12) Human factor systems, \$22,100,000;
- (13) Basic research, \$20,250,000;
- (14) Space power and electric propulsion systems, \$36,950,000;
- (15) Nuclear rockets, \$50,000,000;
- (16) Chemical propulsion, \$22,850,000;
- (17) Aeronautical vehicles, \$77,700,000;
- (18) Tracking and data acquisition, \$278,000,000;
- (19) Technology utilization, \$5,000,000.

(b) For "Construction of facilities," including land acquisitions, as follows:

- (1) Electronics Research Center, Cambridge, Massachusetts \$8,088,000;
- (2) Goddard Space Flight Center, Greenbelt, Maryland, \$670,000;
- (3) John F. Kennedy Space Center, NASA, Kennedy Space Center, Florida, \$12,500,000;
- (4) Langley Research Center, Hampton, Virginia, \$4,767,000;
- (5) Manned Spacecraft Center, Houston, Texas, \$1,750,000;
- (6) Wallops Station, Wallops Island, Virginia, \$500,000;
- (7) Various locations, \$26,425,000;
- (8) Facility planning and design not otherwise provided for, \$3,500,000.

(c) For "Research and program management," \$637,400,000.

(d) Appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and

space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds \$250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

Notice to congressional committees.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed \$35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

Scientific consultations.

(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds \$100,000.

Funds, limitation.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

Grants, prohibition.

(i) Notwithstanding any other provision of law, authorizations to the National Aeronautics and Space Administration, enacted for fiscal years 1967, 1968, and 1969, for which appropriations have not been made, totaling \$327,070,000, are hereby canceled, effective June 30, 1969, or the date of this Act, whichever is later.

Report to Administrator.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1), (2), (3), (4), (5), (6), and (7) of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward

Previous authorizations, cancellation.

5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

Transfer of funds.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with \$10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (8) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Report to congressional committees.

Use of funds, restrictions.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

Notice to congressional committees.

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal

research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. (a) As used in this section—

(1) The term "aerospace contractor" means any individual, firm, corporation, partnership, association, or other legal entity, which provides services and materials to or for the National Aeronautics and Space Administration in connection with any aerospace system.

(2) The term "services and materials" means either services or materials or services and materials which are provided as a part of or in connection with any aerospace system.

(3) The term "aerospace system" includes, but is not limited to, any rocket, launch vehicle, rocket engine, propellant, spacecraft, command module, service module, landing module, tracking device, communications device, or any part or component thereof, which is used in either manned or unmanned spaceflight operations.

(b) Any former employee of the National Aeronautics and Space Administration who at any time during the five-year period immediately preceding his termination of employment with the National Aeronautics and Space Administration was directly engaged in the procurement of any aerospace system or directly engaged in the negotiation, renegotiation, approval, or disapproval of any contract for the procurement of services or materials for or in connection with any aerospace system; or who served during the five-year period immediately preceding his termination of employment with the National Aeronautics and Space Administration at the factory or plant of an aerospace contractor in connection with work performed by such contractor or any aerospace system; or who was employed by the National Aeronautics and Space Administration during the five-year period preceding the termination of his employment at an annual salary rate of GS-15 or higher, and who

Definitions.

Former NASA
employees, re-
port requirements.

(1) was employed for any period of time during any calendar year by an aerospace contractor,

(2) represented any aerospace contractor during any calendar year at any hearing, trial, appeal, or other action in which the United States was a party and which involved services and materials provided or to be provided to the United States by such contractor, or

(3) represented any such contractor in any transaction with the National Aeronautics and Space Administration involving services or materials provided or to be provided by such contractor to the National Aeronautics and Space Administration, shall file with the Administrator, in such form and manner as the Administrator may prescribe, not later than March 1 of the next succeeding calendar year, a report containing the following information:

(1) His name and address.

(2) The name and address of the aerospace contractor by whom he was employed or whom he represented.

(3) The title of the position held by him with the aerospace contractor.

(4) A brief description of his duties with the aerospace contractor.

(5) A brief description of his duties while employed by the National Aeronautics and Space Administration during the

three-year period immediately preceding his termination of employment.

(6) A description of any work performed by him in connection with any aerospace system while employed by the National Aeronautics and Space Administration, if the aerospace contractor by whom he is employed is providing substantial services or materials for such aerospace system, or is negotiating or bidding to provide substantial services or materials for such aerospace system.

(7) The date of the termination of his employment with the National Aeronautics and Space Administration, and the date on which his employment with the aerospace contractor began and, if no longer employed by such aerospace contractor, the date on which his employment with such aerospace contractor terminated.

(8) Such other pertinent information as the Administrator may require.

(c) Any employee of the National Aeronautics and Space Administration who was previously employed by an aerospace contractor in any calendar year and—

(1) who is directly engaged in the procurement of any aerospace system or is directly engaged in the negotiation, renegotiation, approval, or disapproval of any contract for the procurement of services or materials for or in connection with any aerospace system, or

(2) who is serving or has served as a representative of the National Aeronautics and Space Administration at the factory or plant of an aerospace contractor in connection with work being performed by such contractor on any aerospace system, shall file with the Administrator, in such form and manner as the Administrator may prescribe, not later than March 1 of the next succeeding calendar year, a report containing the following information:

(1) His name and address.

(2) The title of his position with the National Aeronautics and Space Administration.

(3) A brief description of his duties with the National Aeronautics and Space Administration.

(4) The name and address of the aerospace contractor by whom he was employed.

(5) The title of his position with such aerospace contractor.

(6) A brief description of his duties at the time he was employed by such aerospace contractor.

(7) A description of any work performed by him in connection with any aerospace system while he was employed by the aerospace contractor or while performing any legal services for such contractor, if such contractor is providing substantial services or materials for such aerospace system or is negotiating or bidding to provide substantial services or materials for such aerospace system.

(8) The date on which his employment with such contractor terminated and the date on which his employment with the National Aeronautics and Space Administration began thereafter.

(9) Such other pertinent information as the Administrator may require.

(d) (1) No former employee of the National Aeronautics and Space Administration shall be required to file a report under this section for

Employees formerly employed by aerospace contractor, report requirements.

Report requirements, exceptions.

any year in which he was employed by an aerospace contractor if the total cost to the United States of services and materials provided the United States by such contractor during such year was less than \$10,000,000; and no employee of the National Aeronautics and Space Administration shall be required to file a report under this section if the total cost to the United States of services and materials provided the United States by the aerospace contractor by whom such employee was employed was less than \$10,000,000 in each of the applicable calendar years that he was employed by such contractor.

(2) No former National Aeronautics and Space Administration employee shall be required to file a report under this section for any calendar year on account of employment with the National Aeronautics and Space Administration if such active duty or employment was terminated three years or more prior to the beginning of such calendar year; and no employee of the National Aeronautics and Space Administration shall be required to file a report under this section for any calendar year on account of employment with or services performed for an aerospace contractor if such employment was terminated or such services were performed three years or more prior to the beginning of such calendar year.

(e) The Administrator shall, not later than May 1 of each year, file with the President of the Senate and the Speaker of the House of Representatives a report containing a list of the names of persons who have filed reports with him for the preceding calendar year pursuant to subsections (b) and (c) of this section. The Administrator shall include after each name so much information as he deems appropriate, and shall list the names of such persons under the aerospace contractor for whom they worked or for whom they performed services.

Report to
President of
the Senate and
Speaker of the
House.

(f) Any former employee of the National Aeronautics and Space Administration whose employment with an aerospace contractor terminated during any calendar year shall be required to file a report pursuant to subsection (b) of this section for such year if he would otherwise be required to file under such subsection; and any person whose employment with the National Aeronautics and Space Administration terminated during any calendar year shall be required to file a report pursuant to subsection (c) of this section for such year if he would otherwise be required to file under such subsection.

(g) The Administrator shall maintain a file containing the information filed with him pursuant to subsections (b) and (c) of this section and such file shall be open for public inspection at all times during the regular workday.

Recordkeeping.
Availability of
information.

(h) Any person who fails to comply with the filing requirements of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by not more than six months in prison or a fine of not more than \$1,000, or both.

Penalty.

(i) No person shall be required to file a report pursuant to this section for any year prior to the calendar year 1970.

SEC. 7. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or

the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act. If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

72 Stat. 426.
42 USC 2451
note.

Refusal to
obey regula-
tions, denial of
payment.

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(c) (1) Nothing in this Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SEC. 8. The flag of the United States, and no other flag, shall be implanted or otherwise placed on the surface of the moon, or on the surface of any planet, by the members of the crew of any spacecraft making a lunar or planetary landing as a part of a mission under the Apollo program or as a part of a mission under any subsequent program, the funds for which are provided entirely by the Government of the United States. This act is intended as a symbolic gesture of national pride in achievement and is not to be construed as a declaration of national appropriation by claim of sovereignty.

SEC. 9. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1970".

Approved November 18, 1969.

U.S. flag,
implantation on
moon or planet.

Short title.

Public Law 91-120

AN ACT

To authorize appropriations for activities of the National Science Foundation, and for other purposes.

November 18, 1969
[S. 1857]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1970, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958, out of any money in the Treasury not otherwise appropriated, \$477,605,000.

National Sci-
ence Foundation
Authorization Act,
1970.

SEC. 2. Appropriations made pursuant to authority provided in section 1 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

64 Stat. 149.
42 USC 1861
note.
72 Stat. 1601.
42 USC 1876-
1879.

SEC. 3. Section 14 of the National Science Foundation Act of 1950, as amended by Public Law 90-407 (82 Stat. 360), is amended by adding at the end thereof the following new subsection:

Expiration of
authorization.
42 USC 1872a
note, 1873.

"(i) Notwithstanding any other provision of law, the authorization of any appropriation to the Foundation shall expire (unless an earlier expiration is specifically provided) at the close of the second fiscal year following the fiscal year for which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made."

SEC. 4. Appropriations made pursuant to this Act may be used, but not to exceed \$2,500, for official reception and representation expenses upon the approval or authority of the Director, and his determination shall be final and conclusive upon the accounting officers of the Government.

Foreign
expenses.

SEC. 5. In addition to such sums as are authorized by section 1 hereof, not to exceed \$3,000,000 is authorized to be appropriated for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

Information
furnished to
congressional
committees.

SEC. 6. Notwithstanding any provision of the National Science Foundation Act of 1950, or any other provision of law, the Director of the National Science Foundation shall keep the Committee on Science and Astronautics of the House of Representatives and the Committee on Labor and Public Welfare of the Senate fully and currently informed with respect to all of the activities of the National Science Foundation.

Financial
assistance,
denial to con-
victed students.

SEC. 7. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs specified

in subsection (c). If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

Refusal to obey regulations, suspension of payments.

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(c) The programs referred to in subsections (a) and (b) are as follows:

(1) The programs authorized by the National Science Foundation Act of 1950; and

(2) The programs authorized under title IX of the National Defense Education Act of 1958 relating to establishing the Science Information Service.

(d) (1) Nothing in this Act, or any Act amended by this Act, shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SEC. 8. This Act may be cited as the "National Science Foundation Authorization Act, 1970".

Approved November 18, 1969.

64 Stat. 149.
42 USC 1861
note.
72 Stat. 1601.
42 USC 1876-
1879.

Independent
disciplinary
proceeding.

Short title.

Public Law 91-121

AN ACT

To authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

Armed Forces.
Appropriation
authorization,
1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for

procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army \$570,400,000; for the Navy and the Marine Corps, \$2,391,200,000; for the Air Force, \$3,965,700,000: *Provided*, That of the funds authorized to be appropriated for the procurement of aircraft for the Air Force during fiscal year 1970, not to exceed \$28,000,000 shall be available to initiate the procurement of a fighter aircraft to meet the needs of Free World forces in Southeast Asia, and to accelerate the withdrawal of United States forces from South Vietnam and Thailand; the Air Force shall (1) prior to the obligation of any funds appropriated pursuant to this authorization, conduct a competition for the aircraft which shall be selected on the basis of the threat as evaluated and determined by the Secretary of Defense, and (2) be authorized to use a portion of such funds as may be required for research, development, test, and evaluation.

MISSILES

For missiles: for the Army, \$880,460,000; for the Navy, \$851,300,000; for the Marine Corps, \$20,100,000; for the Air Force, \$1,486,400,000.

NAVAL VESSELS

For naval vessels: for the Navy, \$2,983,200,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, \$228,000,000; for the Marine Corps, \$37,700,000: *Provided*, That none of the funds authorized herein shall be utilized for the procurement of Sheridan Assault vehicles (M-551) under any new or additional contract.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, \$1,646,055,000;

For the Navy (including the Marine Corps), \$1,968,235,000;

For the Air Force, \$3,156,552,000; and

For the Defense Agencies, \$450,200,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1970 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, \$75,000,000.

Emergency
fund.

Research
projects or
studies, re-
striction.

Kwajalein
Missile Range,
test facilities.

SEC. 203. None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation.

SEC. 204. Construction of research, development, and test facilities at the Kwajalein Missile Range is authorized in the amount of \$12,700,000, and funds are hereby authorized to be appropriated for this purpose.

TITLE III—RESERVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1969, and ending June 30, 1970, the Selected Reserve of each reserve component of the Armed Forces will be programmed to attain an average strength of not less than the following:

- (1) The Army National Guard of the United States, 393,298.
- (2) The Army Reserve, 255,591.
- (3) The Naval Reserve, 129,000.
- (4) The Marine Corps Reserve, 49,489.
- (5) The Air National Guard of the United States, 86,624.
- (6) The Air Force Reserve, 50,775.
- (7) The Coast Guard Reserve, 17,500.

SEC. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

SEC. 303. Subsection (c) of section 264 of title 10, United States Code, is amended as follows:

In the last line of the last sentence of subsection (c) after the word "within", change the figures "60" to "90".

TITLE IV—GENERAL PROVISIONS

SEC. 401. Subsection (a) of section 401 of Public Law 89-367 approved March 15, 1966 (80 Stat. 37) as amended, is hereby amended to read as follows:

"(a) Not to exceed \$2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other Free World Forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1970 on such terms and conditions as the Secretary of Defense may determine."

SEC. 402. (a) Prior to April 30, 1970, the Committees on Armed Services of the House of Representatives and the Senate shall jointly conduct and complete a comprehensive study and investigation of the past and projected costs and effectiveness of attack aircraft carriers and their task forces and a thorough review of the considerations which went into the decision to maintain the present number of attack carriers. The result of this comprehensive study shall be considered prior to any authorization or appropriation for the production or procurement of the nuclear aircraft carrier designated as CVAN-70.

*Attack aircraft carriers.
Joint congressional study.*

(b) In carrying out such study and investigation the Committees on Armed Services of the House of Representatives and the Senate are authorized to call on all Government agencies and such outside consultants as such committees may deem necessary.

SEC. 403. Funds authorized for appropriation under the provisions of this Act shall not be available for payment of independent research and development, bid and proposal, and other technical effort costs incurred under contracts entered into subsequent to the effective date of this Act for any amount in excess of 93 per centum of the total amount contemplated for use for such purposes out of funds authorized for procurement and for research, development, test, and evaluation. The foregoing limitation shall not apply in the case of (1) formally advertised contracts, (2) other firmly fixed contracts competitively awarded, or (3) contracts under \$100,000.

Appropriation, limitation.

SEC. 404. (a) Section 136 of title 10, United States Code, is amended—

76 Stat. 518.

(1) by striking out "seven" in subsection (a) and inserting in lieu thereof "eight"; and

(2) by inserting after the first sentence in subsection (b) the following new sentences: "One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Health Affairs. He shall have as his principal duty the overall supervision of health affairs of the Department of Defense."

(b) Section 5315 of title 5, United States Code, is amended by striking out item (13) and inserting in lieu thereof the following:

"(13) Assistant Secretaries of Defense (8)."

80 Stat. 462.

SEC. 405. Section 412(b) of Public Law 86-149, as amended, is amended to read as follows:

"(b) No funds may be appropriated after December 31, 1960, to or for the use of any armed force of the United States for the procurement of aircraft, missiles, or naval vessels, or after December 31, 1962, to or for the use of any armed force of the United States for the research, development, test, or evaluation of aircraft, missiles, or naval vessels, or after December 31, 1963, to or for the use of any armed force of the United States for any research, development, test, or evaluation, or after December 31, 1965, to or for the use of any armed force of the United States for the procurement of tracked combat vehicles, or after December 31, 1969, to or for the use of any armed force of the United States for the procurement of other weapons unless the appropriation of such funds has been authorized by legislation enacted after such dates."

*Appropriations for procurement, etc.
Authorization required.
79 Stat. 128.*

SEC. 406. Section 2 of the Act of August 3, 1950 (64 Stat. 408), as amended, is further amended to read as follows:

"SEC. 2. After July 1, 1970, the active duty personnel strength of the Armed Forces, exclusive of personnel of the Coast Guard, personnel of the Reserve components on active duty for training purposes only, and personnel of the Armed Forces employed in the Selective Service System, shall not exceed a total of 3,285,000 persons at any time during the period of suspension prescribed in the first section of this Act except when the President of the United States determines that the applica-

*Personnel strength, limitation.
65 Stat. 88;
81 Stat. 105.
10 USC 3201
note.*

Federal contract research centers.
Officers' compensation.

Notification to Congress.

Defense contractor profits.
Study by Comptroller General.

70 A Stat. 127.
10 USC 2301-
2314.
Report to Congress.

GAO audit.

Subpenas.

Penalty.

2 USC 192.

tion of this ceiling will seriously jeopardize the national security interests of the United States and informs the Congress of the basis for such determination."

SEC. 407. (a) After December 31, 1969, none of the funds authorized for appropriation by this or any other Act for the use of the Armed Forces shall be used for payments out of such funds under contracts or agreements with Federal contract research centers if the annual compensation of any officer or employee of such center paid out of any Federal funds exceeds \$45,000 except with the approval of the Secretary of Defense under regulations prescribed by the President.

(b) The Secretary of Defense shall notify the President of the Senate and the Speaker of the House of Representatives promptly of any approvals authorized under subsection (a), together with a detailed statement of the reasons therefor.

SEC. 408. (a) The Comptroller General of the United States (hereinafter in this section referred to as the "Comptroller General") is authorized and directed, as soon as practicable after the date of enactment of this section, to conduct a study and review on a selective, representative basis of the profits made by contractors and subcontractors on contracts on which there is no formally advertised competitive bidding entered into by the Department of the Army, the Department of the Navy, the Department of the Air Force, the Coast Guard, and the National Aeronautics and Space Administration under the authority of chapter 137 of title 10, United States Code, and on contracts entered into by the Atomic Energy Commission to meet requirements of the Department of Defense. The results of such study and review shall be submitted to the Congress as soon as practicable, but in no event later than December 31, 1970.

(b) Any contractor or subcontractor referred to in subsection (a) of this section shall, upon the request of the Comptroller General, prepare and submit to the General Accounting Office such information maintained in the normal course of business by such contractor as the Comptroller General determines necessary or appropriate in conducting any study and review authorized by subsection (a) of this section. Information required under this subsection shall be submitted by a contractor or subcontractor in response to a written request made by the Comptroller General and shall be submitted in such form and detail as the Comptroller General may prescribe and shall be submitted within a reasonable period of time.

(c) In order to determine the costs, including all types of direct and indirect costs, of performing any contract or subcontract referred to in subsection (a) of this section, and to determine the profit, if any, realized under any such contract or subcontract, either on a percentage of the cost basis, percentage of sales basis, or a return on private capital employed basis, the Comptroller General and authorized representatives of the General Accounting Office are authorized to audit and inspect and to make copies of any books, accounts, or other records of any such contractor or subcontractor.

(d) Upon the request of the Comptroller General, or any officer or employee designated by him, the Committee on Armed Services of the House of Representatives or the Committee on Armed Services of the Senate may sign and issue subpenas requiring the production of such books, accounts, or other records as may be material to the study and review carried out by the Comptroller General under this section.

(e) Any disobedience to a subpena issued by the Committee on Armed Services of the House of Representatives or the Committee on Armed Services of the Senate to carry out the provisions of this section shall be punishable as provided in section 102 of the Revised Statutes.

(f) No book, account, or other record, or copy of any book, account,

or record, of any contractor or subcontractor obtained by or for the Comptroller General under authority of this section which is not necessary for determining the profitability on any contract, as defined in subsection (a) of this section, between such contractor or subcontractor and the Department of Defense shall be available for examination, without the consent of such contractor or subcontractor, by any individual other than a duly authorized officer or employee of the General Accounting Office; and no officer or employee of the General Accounting Office shall disclose, to any person not authorized by the Comptroller General to receive such information, any information obtained under authority of this section relating to cost, expense, or profitability on any nondefense business transaction of any contractor or subcontractor.

(g) The Comptroller General shall not disclose in any report made by him to the Congress or to either Committee on Armed Services under authority of this section any confidential information relating to the cost, expense, or profit of any contractor or subcontractor on any non-defense business transaction of such contractor or subcontractor.

SEC. 409. (a) The Secretary of Defense shall submit semiannual reports to the Congress on or before January 31 and on or before July 31 of each year setting forth the amounts spent during the preceding six-month period for research, development, test and evaluation and procurement of all lethal and nonlethal chemical and biological agents. The Secretary shall include in each report a full explanation of each expenditure, including the purpose and the necessity therefor.

Chemical and
biological warfare
agents.
Reports to
Congress.

(b) None of the funds authorized to be appropriated by this Act or any other Act may be used for the transportation of any lethal chemical or any biological warfare agent to or from any military installation in the United States, or the open air testing of any such agent within the United States until the following procedures have been implemented:

Transportation
of chemicals and
open air testing.

(1) the Secretary of Defense (hereafter referred to in this section as the "Secretary") has determined that the transportation or testing proposed to be made is necessary in the interests of national security;

(2) the Secretary has brought the particulars of the proposed transportation or testing to the attention of the Secretary of Health, Education, and Welfare, who in turn may direct the Surgeon General of the Public Health Service and other qualified persons to review such particulars with respect to any hazards to public health and safety which such transportation or testing may pose and to recommend what precautionary measures are necessary to protect the public health and safety;

(3) the Secretary has implemented any precautionary measures recommended in accordance with paragraph (2) above (including, where practicable, the detoxification of any such agent, if such agent is to be transported to or from a military installation for disposal): *Provided, however,* That in the event the Secretary finds the recommendation submitted by the Surgeon General would have the effect of preventing the proposed transportation or testing, the President may determine that overriding considerations of national security require such transportation or testing be conducted. Any transportation or testing conducted pursuant to such a Presidential determination shall be carried out in the safest practicable manner, and the President shall report his determination and an explanation thereof to the President of the Senate and the Speaker of the House of Representatives as far in advance as practicable; and

Presidential
determination.

(4) the Secretary has provided notification that the transportation or testing will take place, except where a Presidential deter-

Report to
Congress.

Notice to
Congress and
State Governor.

mination has been made: (A) to the President of the Senate and the Speaker of the House of Representatives at least 10 days before any such transportation will be commenced and at least 30 days before any such testing will be commenced; (B) to the Governor of any State through which such agents will be transported, such notification to be provided appropriately in advance of any such transportation.

Deployment or storage.

(c) (1) None of the funds authorized to be appropriated by this Act or any other Act may be used for the future deployment, or storage, or both, at any place outside the United States of—

(A) any lethal chemical or any biological warfare agent, or

(B) any delivery system specifically designed to disseminate any such agent,

Notification to Congress.

unless prior notice of such deployment or storage has been given to the country exercising jurisdiction over such place. In the case of any place outside the United States which is under the jurisdiction or control of the United States Government, no such action may be taken unless the Secretary gives prior notice of such action to the President of the Senate and the Speaker of the House of Representatives. As used in this paragraph, the term "United States" means the several States and the District of Columbia.

"United States."

(2) None of the funds authorized by this Act or any other Act shall be used for the future testing, development, transportation, storage, or disposal of any lethal chemical or any biological warfare agent outside the United States if the Secretary of State, after appropriate notice by the Secretary whenever any such action is contemplated, determines that such testing, development, transportation, storage, or disposal will violate international law. The Secretary of State shall report all determinations made by him under this paragraph to the President of the Senate and the Speaker of the House of Representatives, and to all appropriate international organizations, or organs thereof, in the event such report is required by treaty or other international agreement.

Report to Congress.

(d) Unless otherwise indicated, as used in this section the term "United States" means the several States, the District of Columbia, and the territories and possessions of the United States.

"United States."

(e) After the effective date of this Act, the operation of this section, or any portion thereof, may be suspended by the President during the period of any war declared by Congress and during the period of any national emergency declared by Congress or by the President.

National emergency. Suspension authority of President.

(f) None of the funds authorized to be appropriated by this Act may be used for the procurement of any delivery system specifically designed to disseminate any lethal chemical or any biological warfare agent, or for the procurement of any part or component of any such delivery system, unless the President shall certify to the Congress that such procurement is essential to the safety and security of the United States.

Definitions.

SEC. 410. (a) As used in this section—

(1) The term "former military officer" means a former or retired commissioned officer of the Armed Forces of the United States who—

(A) served on active duty in the grade of major (or equivalent) or above, and

(B) served on active duty for a period of ten years or more.

(2) The term "former civilian employee" means any former civilian officer or employee of the Department of Defense, including consultants or part-time employees, whose salary rate at any time during the three-year period immediately preceding the termination of his last employment with the Department of Defense was equal to or greater than the minimum salary rate at such time for positions in grade GS-13.

(3) The term "defense contractor" means any individual, firm, corporation, partnership, association, or other legal entity, which provides services and materials to the Department of Defense under a contract directly with the Department of Defense.

(4) The term "services and materials" means either services or materials or services and materials and includes construction.

(5) The term "Department of Defense" means all elements of the Department of Defense and the military departments.

(6) The term "contracts awarded" means contracts awarded by negotiation and includes the net amount of modifications to, and the exercise of options under, such contracts. It excludes all transactions amounting to less than \$10,000 each.

(7) The term "fiscal year" means a year beginning on 1 July and ending on 30 June of the next succeeding year.

(b) Under regulations to be prescribed by the Secretary of Defense:

(1) Any former military officer or former civilian employee who during any fiscal year,

(A) was employed by or served as a consultant or otherwise to a defense contractor for any period of time,

(B) represented any defense contractor at any hearing, trial, appeal, or other action in which the United States was a party and which involved services and materials provided or to be provided to the Department of Defense by such contractor, or

(C) represented any such contractor in any transaction with the Department of Defense involving services or materials provided or to be provided by such contractor to the Department of Defense,

shall file with the Secretary of Defense, in such form and manner as the Secretary may prescribe, not later than November 15 of the next succeeding fiscal year, a report containing the following information:

(1) His name and address.

(2) The name and address of the defense contractor by whom he was employed or whom he served as a consultant or otherwise.

(3) The title of the position held by him with the defense contractor.

(4) A brief description of his duties and the work performed by him for the defense contractor.

(5) His military grade while on active duty or his gross salary rate while employed by the Department of Defense, as the case may be.

(6) A brief description of his duties and the work performed by him while on active duty or while employed by the Department of Defense during the three-year period immediately preceding his release from active duty or the termination of his civilian employment, as the case may be.

(7) The date on which he was released from active duty or the termination of his civilian employment with the Department of Defense, as the case may be, and the date on which his employment, as an employee, consultant, or otherwise with the defense contractor began and, if no longer employed by such defense contractor, the date on which such employment with such defense contractor terminated.

(8) Such other pertinent information as the Secretary of Defense may require.

(2) Any employee of the Department of Defense, including consultants or part-time employees, who was previously employed by or served as a consultant or otherwise to a defense contractor

Former military
and civilian offi-
cials employed by
defense contrac-
tors.

Reporting
requirements.

DOD employees
previously em-
ployed by defense
contractors.

in any fiscal year, and whose salary rate in the Department of Defense is equal to or greater than the minimum salary rate for positions in grade GS-13, shall file with the Secretary of Defense, in such form and manner and at such times as the Secretary may prescribe, a report containing the following information:

- (1) His name and address.
- (2) The title of his position with the Department of Defense.
- (3) A brief description of his duties with the Department of Defense.
- (4) The name and address of the defense contractor by whom he was employed or whom he served as a consultant or otherwise.
- (5) The title of his position with such defense contractor.
- (6) A brief description of his duties and the work performed by him for the defense contractor.
- (7) The date on which his employment as a consultant or otherwise with such contractor terminated and the date on which his employment as a consultant or otherwise with the Department of Defense began thereafter.
- (8) Such other pertinent information as the Secretary of Defense may require.

Exceptions.

(c) (1) No former military officer or former civilian employee shall be required to file a report under this section for any fiscal year in which he was employed by or served as a consultant or otherwise to a defense contractor if the total amount of contracts awarded by the Department of Defense to such contractor during such year was less than \$10,000,000; and no employee of the Department of Defense shall be required to file a report under this section for any fiscal year in which he was employed by or served as a consultant or otherwise to a defense contractor if the total amount of contracts awarded to such contractor by the Department of Defense during such year was less than \$10,000,000.

(2) No former military officer or former civilian employee shall be required to file a report under this section for any fiscal year on account of active duty performed or employment with or services performed for the Department of Defense if such active duty or employment was terminated three years or more prior to the beginning of such fiscal year; and no employee of the Department of Defense shall be required to file a report under this section for any fiscal year on account of employment with or services performed for a defense contractor if such employment was terminated or such services were performed three years or more prior to the effective date of his employment with the Department of Defense.

(3) No former military officer or former civilian employee shall be required to file a report under this section for any fiscal year during which he was employed by or served as a consultant or otherwise to a defense contractor at a salary rate of less than \$15,000 per year; and no employee of the Department of Defense, including consultants or part-time employees, shall be required to file a report under this section for any fiscal year during which he was employed by or served as a consultant or otherwise to a defense contractor at a salary rate of less than \$15,000 per year.

(d) The Secretary of Defense shall, not later than December 31 of each year, file with the President of the Senate and the Speaker of the House of Representatives a report containing a list of the names of persons who have filed reports with him for the preceding fiscal year pursuant to subsections (b)(1) and (b)(2) of this section. The Secretary shall include after each name so much information as he

deems appropriate and shall list the names of such persons under the defense contractor for whom they worked or for whom they performed services.

(e) Any former military officer or former civilian employee whose employment with or services for a defense contractor terminated during any fiscal year shall be required to file a report pursuant to subsection (b) (1) of this section for such year if he would otherwise be required to file under such subsection; and any person whose employment with or services for the Department of Defense terminated during any fiscal year shall be required to file a report pursuant to subsection (b) (2) of this section for such year if he would otherwise be required to file under such subsection.

(f) The Secretary shall maintain a file containing the information filed with him pursuant to subsections (b) (1) and (b) (2) of this section and such file shall be open for public inspection at all times during the regular workday.

(g) Any person who fails to comply with the filing requirements of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by not more than six months in prison or a fine of not more than \$1,000, or both.

(h) No person shall be required to file a report pursuant to this section for any fiscal year prior to the fiscal year 1971.

Penalty.

Approved November 19, 1969.

Public Law 91-122

AN ACT

To amend section 358a(a) of the Agricultural Adjustment Act of 1938, as amended, to extend the authority to transfer peanut acreage allotments.

November 21, 1969
[H. R. 14030]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 358a(a) of the Agricultural Adjustment Act of 1938, as amended, is amended by changing "and 1969" to read ", 1969, and 1970".

81 Stat. 658.
7 USC 1358a.

Approved November 21, 1969.

Public Law 91-123

AN ACT

To authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and titles I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended.

November 25, 1969
[S. 1072]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Appalachian
Regional
Development Act
Amendments of
1969.

TITLE I—APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 1969

Appropriation.

81 Stat. 257.

SEC. 101. This title may be cited as the "Appalachian Regional Development Act Amendments of 1969".

SEC. 102. Subsection (b) of section 105 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 105) is amended to read as follows:

"(b) To carry out this section there is hereby authorized to be appropriated to the Commission to be available until expended, not to exceed \$1,900,000 for the two-fiscal year period ending June 30, 1971. Not to exceed \$475,000 of such authorization shall be available for the expenses of the Federal cochairman, his alternate, and his staff."

SEC. 103. (a) The second sentence of section 201(a) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) is amended to read as follows: "The provisions of sections 106(a) and 118 of title 23, United States Code, relating to the obligation, period of availability, and expenditure of Federal-aid highway funds, shall apply to the development highway system and the local access roads, and all other provisions of such title 23 that are applicable to the construction and maintenance of Federal-aid primary and secondary highways and which the Secretary determines are not inconsistent with this Act shall apply, respectively, to such system and roads."

(b) Subsection (g) of section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) is amended to read as follows:

"(g) To carry out this section there is hereby authorized to be appropriated to the President, to be available until expended, \$175,000,000 for the fiscal year ending June 30, 1970; \$175,000,000 for the fiscal year ending June 30, 1971; \$175,000,000 for the fiscal year ending June 30, 1972; and \$170,000,000 for the fiscal year ending June 30, 1973."

SEC. 104. (a) The first sentence of subsection (a) of section 202 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 202(a)) is amended to read as follows: "In order to demonstrate the value of adequate health facilities and services to the economic development of the region, the Secretary of Health, Education, and Welfare is authorized to make grants for the planning, construction, equipment, and operation of multi-county demonstration health, nutrition, and child care projects, including hospitals, regional health diagnostic and treatment centers and other facilities and services necessary for the purposes of this section."

(b) The second sentence of subsection (c) of such section 202 is amended by striking out "50 per centum" and inserting in lieu thereof "75 per centum".

(c) Subsection (c) of such section 202 is further amended by inserting immediately following the second sentence the following new sentences: "The Federal contribution may be provided entirely

Demonstration health projects.

81 Stat. 259.

from funds appropriated to carry out this section or in combination with funds provided under other Federal grant-in-aid programs for the operation of health related facilities and the provision of health services. Notwithstanding any provision of law limiting the Federal share in such other programs, funds appropriated to carry out this section may be used to increase Federal grants for operating components of a demonstration health project to the maximum percentage cost thereof authorized by this subsection."

(d) Subsection (e) of such section 202 is amended to read as follows:

"(e) In order to provide for the further development of the Appalachian region's human resources, grants under this section shall give special emphasis to programs and research for the early detection, diagnosis, and treatment of occupational diseases arising from coal mining, such as black lung."

SEC. 105. (a) The first sentence of clause (2) of subsection (a) of section 205 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 205) is amended by striking out "in accordance with the" and inserting in lieu thereof "or to make grants to the States for carrying out such projects, in accordance with the applicable".

(b) Subsection (b) of such section 205 is amended by striking out "and 1969" and inserting in lieu thereof "1969, 1970, and 1971".

SEC. 106. Subsection (e) of section 207 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 207(e)) is amended to read as follows:

"(e) The Secretary is further authorized to provide, or contract with public or private organizations to provide, information, advice, and technical assistance with respect to the construction, rehabilitation, and operation by nonprofit organizations of housing for low or moderate income families in such areas of the region."

SEC. 107. Subsection (c) of section 214 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 214) is amended by striking out "December 31, 1967" in the first sentence thereof and inserting in lieu thereof "December 31, 1970", and by adding at the end of such subsection the following: "For the purpose of this section, any sewage treatment works constructed pursuant to section 8(c) of the Federal Water Pollution Control Act without Federal grant-in-aid assistance under such section shall be regarded as if constructed with such assistance."

SEC. 108. Section 302(a)(1)(B) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 302) is amended by inserting before "a local" the following: "a State agency certified as".

SEC. 109. Section 401 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 401) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and not to exceed \$268,500,000 for the two-fiscal-year period ending June 30, 1971, to carry out this Act, of which amount not to exceed \$90,000,000 is authorized for section 202, \$15,000,000 for section 203, \$15,000,000 for section 205, \$3,000,000 for section 207, \$50,000,000 for section 211, \$82,500,000 for section 214, and \$13,000,000 for section 302."

SEC. 110. Section 403 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 403) is amended by adding at the end thereof the following:

"The President is authorized and directed to make a study of the extent to which portions of upper New York State which are geo-

Occupational
diseases, re-
search grants.
81 Stat. 260.
40 USC app.
202.

79 Stat. 14.

81 Stat. 261.

Low income
housing, con-
tract authority.
81 Stat. 262.

81 Stat. 263.

70 Stat. 502;
75 Stat. 206;
79 Stat. 903;
80 Stat. 1249.
33 USC 466e.
81 Stat. 264.

Appropriation.
81 Stat. 266.

Study.
79 Stat. 21.

Report to
Congress.

79 Stat. 23.

Regional
Action Planning
Commission
Amendments of
1969.
79 Stat. 564.

Technical and
planning
assistance.

graphically part of the New England region or the Appalachian region and share the social and economic characteristics thereof should be included in either of such regions. He shall submit the results of such study together with his recommendations to Congress not later than June 30, 1970."

SEC. 111. Section 405 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 405) is amended by inserting immediately after "Act" the following: "other than section 201."

TITLE II—AMENDMENTS TO TITLE V OF THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

SEC. 201. This title may be cited as the "Regional Action Planning Commission Amendments of 1969".

SEC. 202. Section 501 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3181) is amended by redesignating section 501 as section 501(a) and adding the following new subsection (b):

"(b) Upon resolution of the Committee on Public Works of the Senate or the House of Representatives, the Secretary is directed to study the advisability of altering the geographical area of any region designated under this section, in order to further the purpose of this Act."

SEC. 203. (a) Subsection (a) of section 505 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3185) is amended to read as follows:

"(a)(1) The Secretary is authorized to provide to the commissions technical assistance which would be useful in aiding the commissions to carry out their functions under this Act and to develop recommendations and programs. Such assistance shall include studies and plans evaluating the needs of, and developing potentialities for, economic growth of such region, and research on improving the conservation and utilization of the human and natural resources of the region, and planning, investigations, studies, demonstration projects, and training programs which will further the purposes of this Act. Such assistance may be provided by the Secretary through members of his staff, through the payment of funds authorized for this section to other departments or agencies of the Federal Government, or through the employment of private individuals, partnerships, firms, corporations, or suitable institutions, under contracts entered into for such purposes, or through grant-in-aid to the commissions. The Secretary, in his discretion, may require the repayment of assistance provided under this paragraph and prescribes the terms and conditions in such repayment.

"(2) In carrying out their functions under this Act the commissions are authorized to engage in planning, investigations, studies, demonstration projects, and training programs which will further the purposes of this Act and which have been approved by the Secretary. Such activities may be carried out by the commissions through the payment of funds to departments, agencies, or instrumentalities of the Federal Government, or through the employment of private individuals, partnerships, firms, or corporations, or suitable institutions under contracts entered into for such purposes or through grants-in-aid to agencies of State or local governments. In the case of demonstration projects and training programs, to the maximum extent possible, such

projects and programs shall be carried out through departments, agencies, or instrumentalities of the Federal Government or of State or local governments."

(b) The second sentence of subsection (b) of section 505 of such Act is amended to read as follows: "Thereafter, such expenses shall be paid 50 per centum by the Federal Government and 50 per centum by the States in the region, except that the administrative expenses of the Federal cochairman, his alternate, and his staff shall be paid solely by the Federal Government. The share to be paid by each State shall be determined by the Commission. The Federal cochairman shall not participate or vote in such determination."

(c) Subsection (c) of section 505 of such Act is amended to read as follows:

"(c) Not to exceed 10 per centum of the funds appropriated under authority of section 509(d) of this title for any fiscal year shall be expended in such fiscal year in carrying out subsection (a)(1) and subsection (b) of this section."

SEC. 204. Section 506 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3186) is amended by inserting "(a)" immediately after "SEC. 506." and by adding at the end thereof the following new subsection (b):

"(b) The Federal cochairman shall establish and at all times maintain his headquarters office in the District of Columbia."

SEC. 205. (a) Subsection (a) of section 509 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3188a) is amended to read as follows:

"(a) In order to enable the State and other entities within economic development regions established under this Act to take maximum advantage of Federal grant-in-aid programs (as hereinafter defined) for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share, or for which there are insufficient funds available under the Federal grant-in-aid Act authorizing such programs to meet pressing needs of the region, the Secretary shall, once a comprehensive long-range economic plan established pursuant to clause (2) of section 503(a) is in effect, provide funds pursuant to specific recommendations, to each of the Federal cochairmen of the regional commissions heretofore or hereafter established under this title, to be used for all or any portion of the basic Federal contribution to projects under such Federal grant-in-aid programs authorized by Federal grant-in-aid Acts, and for the purpose of increasing the Federal contribution to projects under such programs above the fixed maximum portion of the cost of such projects otherwise authorized by the applicable law. No program, or project authorized under this section shall be implemented until (1) applications and plans relating to the program or project have been determined by the responsible Federal official to be compatible with the provisions and objectives of Federal laws which he administers that are not inconsistent with this Act, and (2) the Regional Commission involved has approved such program or project and has determined that it meets the applicable criteria under section 504 and will contribute to the development of the region, which determination shall be controlling. In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant-in-aid program is proposed

Administrative expenses, Federal share.
79 Stat. 567.
42 USC 3185.

Appropriation.
81 Stat. 266.

Post, p. 218.

Federal grants-in-aid programs, supplements.
81 Stat. 266.

79 Stat. 565;
81 Stat. 266.
42 USC 3183.

42 USC 3184.

to be made under this subsection, no such Federal contribution shall be made until the responsible Federal official administering the Federal grant-in-aid Act authorizing such contribution certifies that such program or project meets all of the requirements of such Federal grant-in-aid Act and could be approved for Federal contribution under such Act if funds were available under such Act for such program or project. Funds may be provided for programs and projects in a State under this subsection only if the Commission determines that the level of Federal and State financial assistance under titles of this Act other than this title, and under Acts other than this Act, for the same type of programs or projects in that portion of the State within the region will not be diminished in order to substitute funds authorized by this subsection. Funds provided pursuant to this Act shall be available without regard to any limitations on authorizations for appropriation in any other Act."

<sup>81 Stat. 266.
42 USC 3188a.</sup>

Appropriation.

Ante, pp. 216,
217.

79 Stat. 564;
81 Stat. 266.

79 Stat. 552.
42 USC 3131-
3143.

(b) Subsection (c) of section 509 of such Act is amended by striking out in the first sentence thereof "December 31, 1967" and inserting in lieu thereof "December 31, 1970".

(c) Subsection (d) of section 509 of such Act is amended to read as follows:

"(d) There is authorized to be appropriated to the Secretary to carry out this title, for the two-fiscal-year period ending June 30, 1971, to be available until expended, not to exceed \$255,000,000. After deducting such amounts as are authorized to carry out subsections (a) (1) and (b) of section 505, the Secretary shall apportion the remainder of the sums appropriated under this authorization for any fiscal year to the regional commissions, except that not less than 10 per centum nor more than 25 per centum of such remaining amount shall be allocated to any one regional commission. All amounts appropriated under this authorization for any fiscal year shall be apportioned by the Secretary to the regional commissions prior to the end of the fiscal year for which appropriated."

SEC. 206. Title V of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3181 et seq.) is amended by adding at the end thereof the following new sections:

"COORDINATION

"SEC. 511. The Secretary shall coordinate his activities in making grants and loans under titles I and II of this Act with those of each of the Federal cochairmen in making grants under this title, and each Federal cochairman shall coordinate his activities in making grants under this title with those of the Secretary in making grants and loans under titles I and II of this Act.

"ALASKA

"SEC. 512. There is hereby authorized not to exceed \$500,000 for the two-fiscal-year period ending June 30, 1971, to the Federal Field Committee for Development Planning in Alaska for the purpose of planning economic development programs and projects in Alaska in cooperation with the government of the State of Alaska. Nothing contained in this section shall be construed as precluding the establishment of a regional commission for Alaska.

“REGIONAL TRANSPORTATION SYSTEMS

“SEC. 513. (a) The Secretary of Transportation, acting jointly with the regional commissions, is authorized to conduct and facilitate full and complete investigations and studies of the needs of the economic development regions established under this title for regional transportation systems which will further the purposes of this Act, and in connection therewith, to carry out such demonstration projects as he determines to be necessary to the conduct of such investigations and studies. The Secretary of Transportation shall report to Congress not later than January 10, 1971, the results of such investigations and studies together with his recommendations and those of each regional commission.”

Report to
Congress.

“(b) There is authorized to be appropriated not to exceed \$20,000,000 to carry out this section. Such amount shall be in addition to those sums otherwise authorized to be appropriated to carry out this title.”

TITLE III—AMENDMENTS TO THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

SEC. 301. Title I of the Public Works and Economic Development Act of 1965, as amended, is further amended as follows:

(1) The first sentence of section 101(c) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131(c)) is amended by inserting before the period at the end thereof a comma and the following: “except that in the case of a grant to an Indian tribe, the Secretary may reduce the non-Federal share below such per centum or may waive the non-Federal share”.

79 Stat. 552.
42 USC 3131-
3136.

(2) Section 105 is amended by striking “June 30, 1969” and inserting in lieu thereof “June 30, 1970”.

SEC. 302. Section 301 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151) is amended by adding at the end thereof the following new subsection:

“(f) The Secretary is authorized to make grants, enter into contracts or otherwise provide funds for any demonstration project within a redevelopment area or areas which he determines is designed to foster regional productivity and growth, prevent out-migration, and otherwise carry out the purposes of this Act.”

79 Stat. 554.
42 USC 3135.Contract
authority.

SEC. 303. Section 302 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3152) is amended by striking out “1970.” and inserting in lieu thereof “1969, and \$50,000,000 for the fiscal year ending June 30, 1970.”

Appropriation.

SEC. 304. (a) Subsection (a) of section 401 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161) is amended by striking out the period at the end of such subsection and inserting in lieu thereof a semicolon and the following:

Area
eligibility.

“(6) those areas selected for assistance under part D of title I of the Economic Opportunity Act of 1964, and those areas which the Secretary determines meet the purposes of section 150 of part D of title I of the Economic Opportunity Act of 1964, and which otherwise meet the requirements of this Act, except that no redevelopment area established under this paragraph shall

81 Stat. 688.
42 USC 2763-
2768.

79 Stat. 562.
42 USC 3171.
80 Stat. 1477.
42 USC 3161.
79 Stat. 561.

- be eligible to meet the requirement of section 403(a)(1)(B) of this Act.”
- (b) Subsection (b)(3) of such section 401 is amended by inserting after “(a)(3)” the following: “or (a)(6).”
- (c) Subsection (b)(4) of such section 401 is amended by striking out “and (a)(4)” and inserting in lieu thereof the following: “(a)(4) and (a)(6).”
- (d) The second sentence of subsection (d) of such section 401 is amended by inserting immediately after “any other subsection of this section” the following: “other than subsection (a)(6).”

Approved November 25, 1969.

Public Law 91-124

November 26, 1969
[H.R. 14001]

AN ACT

To amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this Act.

Selective Serv-
ice Amendment
Act of 1969.
Repeal.
81 Stat. 100.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Selective Service Amendment Act of 1969.”

SEC. 2. Section 5(a)(2) of the Military Selective Service Act of 1967 (50 App. U.S.C. 455(a)(2)) is hereby repealed.

Approved November 26, 1969.

Public Law 91-125

November 26, 1969
[S.J. Res. 121]

JOINT RESOLUTION

To authorize appropriations for expenses of the National Council on Indian Opportunity.

Appropriation.

25 USC prec.
1 note.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated not to exceed \$300,000 annually for the expenses of the National Council on Indian Opportunity, established by Executive Order Numbered 11399 of March 6, 1968.

SEC. 2. The National Council on Indian Opportunity shall terminate five years from the date of this Act unless it is extended by an Act of Congress.

Approved November 26, 1969.

Public Law 91-126

AN ACT

Making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes.

November 26, 1969
[H. R. 12307]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes, namely:

Independent
Offices and
Department of
Housing and
Urban Develop-
ment Appropria-
tion Act, 1970.

TITLE I

EXECUTIVE OFFICE OF THE PRESIDENT
NATIONAL AERONAUTICS AND SPACE COUNCIL

SALARIES AND EXPENSES

For expenses necessary for the National Aeronautics and Space Council, established by section 201 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2471), including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and services as authorized by 5 U.S.C. 3109, \$500,000.

72 Stat. 427;
75 Stat. 46.

80 Stat. 416.

OFFICE OF EMERGENCY PREPAREDNESS

SALARIES AND EXPENSES

For expenses necessary for the Office of Emergency Preparedness, including services as authorized by 5 U.S.C. 3109, reimbursement of the General Services Administration for security guard services, hire of passenger motor vehicles, and expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency planning, \$5,000,000.

SALARIES AND EXPENSES, TELECOMMUNICATIONS

For expenses necessary for the conduct of telecommunications functions assigned to the Director of Telecommunications Management, including services as authorized by 5 U.S.C. 3109, \$1,795,000: *Provided*, That not to exceed \$500,000 of the foregoing amount shall remain available for telecommunications studies and research until expended.

DEFENSE MOBILIZATION FUNCTIONS OF FEDERAL AGENCIES

For expenses necessary to assist other Federal agencies to perform civil defense and defense mobilization functions, including payments by the Department of Labor to State employment security agencies for the full cost of administration of defense manpower mobilization activities, \$3,200,000.

OFFICE OF SCIENCE AND TECHNOLOGY

SALARIES AND EXPENSES

80 Stat. 416.

For expenses necessary for the Office of Science and Technology, including partial support of the Environmental Quality Council and the Citizens' Advisory Committee on Environmental Quality, and services as authorized by 5 U.S.C. 3109, \$1,958,000.

FUNDS APPROPRIATED TO THE PRESIDENT

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

79 Stat. 5;
Ante, p. 213.
40 USC app. 1.

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, except expenses authorized by section 105 of said Act, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, to remain available until expended, \$282,500,000, of which \$175,000,000 shall be available for the Appalachian Development Highway System, but no part of any appropriation in this Act shall be available for expenses in connection with commitments for contracts or grants for the Appalachian Development Highway System in excess of the amount herein appropriated.

DISASTER RELIEF

64 Stat. 1109.
Ante, p. 125.
80 Stat. 1320.
42 USC 1855ee.

For expenses necessary to carry out the purposes of the Act of September 30, 1950, as amended (42 U.S.C. 1855-1855g), the Disaster Relief Act of 1969 (Public Law 91-79) and section 9 of the Disaster Relief Act of 1966 (Public Law 89-769), authorizing assistance to States and local governments in major disasters, \$170,000,000, to remain available until expended: *Provided*, That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses.

INDEPENDENT OFFICES

APPALACHIAN REGIONAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Cochairman and his alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$890,000.

CIVIL SERVICE COMMISSION

SALARIES AND EXPENSES

80 Stat. 403.
5 USC 1501-
1508.

For necessary expenses, including services as authorized by 5 U.S.C. 3109; not to exceed \$10,000 for medical examinations performed for veterans by private physicians on a fee basis; payment in advance for library membership in societies whose publications are available to members only or to members at a price lower than to the general public; not to exceed \$300,000 for performing the duties imposed upon the Commission by chapter 15 of title 5, United States Code; hire of passenger motor vehicles; and not to exceed \$1,000 for official reception and representation expenses; \$40,778,500, including funding of Interagency

Boards of Examiners, together with not to exceed \$7,364,000 for necessary expenses incurred during the current fiscal year in the administration of the retirement and insurance programs, to be transferred from the trust funds "Civil Service retirement and disability fund", "Employees life insurance fund", "Employees health benefits fund", and "Retired employees health benefits fund", in such amounts as may be determined by the Civil Service Commission, without regard to the provisions of any other Act, but this provision shall not affect the authority of 5 U.S.C. 8348(a) and section 1(b) of Public Law 89-205 (79 Stat. 840), providing for additional administrative expenses to effect annuity adjustments under 5 U.S.C. 8340, section 1(c) of Public Law 89-205 (79 Stat. 840) and section 1 of Public Law 89-314 (79 Stat. 1162): *Provided*, That \$600,000 of this appropriation shall be available to carry out the provisions of Executive Order 10422 of January 9, 1953, as amended, prescribing procedures for making available to the Secretary General of the United Nations, and the executive heads of other international organizations, certain information concerning United States citizens employed, or being considered for employment by such organizations, including advances or reimbursements to the applicable appropriations or funds of the Civil Service Commission and the Federal Bureau of Investigation for expenses incurred by such agencies under said Executive Order: *Provided further*, That members of the International Organizations Employees Loyalty Board may be paid actual transportation expenses, and per diem in lieu of subsistence under 5 U.S.C. 5702, while traveling on official business away from their homes or regular places of business, including periods while en route to and from and at the place where their services are to be performed.

No part of the appropriation herein made to the Civil Service Commission shall be available for the salaries and expenses of the Legal Examining Unit in the Examining and Personnel Utilization Division of the Commission, established pursuant to Executive Order 9358 of July 1, 1943.

ANNUITIES UNDER SPECIAL ACTS

For payment of annuities authorized by the Act of May 29, 1944, as amended (48 U.S.C. 1373a), and the Act of August 19, 1950, as amended (33 U.S.C. 771-775), \$1,265,000.

80 Stat. 498;
Ante, p. 190.

3 CFR, 1943-
1948 Comp.,
p. 256.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

58 Stat. 257;
70 Stat. 607.
64 Stat. 465;
81 Stat. 518,
520.

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, \$41,185,000, to remain available until expended.

80 Stat. 599;
81 Stat. 219.
5 USC 8901-
8913.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the estimated cost of new and increased annuity benefits, during the current fiscal year, as provided by part III of Public Law 87-793 (76 Stat. 868), \$73,000,000, to be credited to the civil service retirement and disability fund.

Ante, p. 137.

81 Stat. 215;
Ante, p. 139.

22 USC 287
note.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

80 Stat. 508;
81 Stat. 206.

For necessary expenses of the Commission, as authorized by law, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); not to exceed \$281,000 for land and structures; not to exceed \$10,000 for improvement and care of grounds and repairs to buildings; not to exceed \$500 for official reception and representation expenses; special counsel fees; and services as authorized by 5 U.S.C. 3109; \$22,225,000.

FEDERAL POWER COMMISSION

SALARIES AND EXPENSES

80 Stat. 416.

For expenses necessary for the work of the Commission, as authorized by law, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, and not to exceed \$500 for official reception and representation expenses, \$16,400,000.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and services as authorized by 5 U.S.C. 3109, \$19,500,000: *Provided*, That no part of the foregoing appropriation shall be expended upon any investigation hereafter provided by concurrent resolution of the Congress until funds are appropriated subsequently to the enactment of such resolution to finance the cost of such investigation.

GENERAL SERVICES ADMINISTRATION

OPERATING EXPENSES, PUBLIC BUILDINGS SERVICE

65 Stat. 122;
82 Stat. 1198.

For necessary expenses, not otherwise provided for, of real property management and related activities as provided by law; rental of buildings in the District of Columbia; restoration of leased premises; moving Government agencies (including space adjustments) in connection with the assignment, allocation, and transfer of building space; acquisition by purchase or otherwise of real estate and interests therein; and contractual services incident to cleaning or servicing buildings and moving; \$307,000,000: *Provided*, That this appropriation shall be available to provide such fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to title 18, U.S.C. 3056.

REPAIR AND IMPROVEMENT OF PUBLIC BUILDINGS

40 USC 601
note.

For expenses, not otherwise provided for, necessary to alter public buildings and to acquire additions to sites pursuant to the Public Buildings Act of 1959 (73 Stat. 479) and to alter other Federally-

owned buildings and to acquire additions to sites thereof, including grounds, approaches and appurtenances, wharves and piers, together with the necessary dredging adjacent thereto; and care and safeguarding of sites; preliminary planning of projects by contract or otherwise; maintenance, preservation, demolition, and equipment; \$61,600,000, to remain available until expended: *Provided*, That for the purposes of this appropriation, buildings constructed pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356) and the Post Office Department Property Act of 1954 (39 U.S.C. 2104 et seq.), and buildings under the control of another department or agency where alteration of such buildings is required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of General Services Administration shall be considered to be public buildings.

68 Stat. 518.

74 Stat. 590.

CONSTRUCTION, PUBLIC BUILDINGS PROJECTS

For an additional amount for expenses, not otherwise provided for, necessary to construct and acquire public buildings projects and alter public buildings by extension or conversion where the estimated cost for a project is in excess of \$200,000, pursuant to the Public Buildings Act of 1959 (73 Stat. 479), including fallout shelters and equipment for such buildings, \$26,533,000, and not to exceed \$500,000 of this amount shall be available to the Administrator for construction or alteration of small public buildings outside the District of Columbia as the Administrator approves and deems necessary, all to remain available until expended: *Provided*, That a total amount of \$7,336,400 heretofore appropriated for projects located at Porthill, Idaho, Cambridge, Massachusetts, Detroit, Michigan, Helena, Montana, Pittsburgh, Green Tree, Pennsylvania, Westerly, Rhode Island, and Houston, Texas, under this heading in the Independent Offices Appropriation Acts, 1963, 1964, 1965, and 1966 and the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1968, respectively, are hereby made available for the purposes of this appropriation: *Provided further*, That the foregoing amounts shall be available for public buildings projects at locations and at maximum construction improvement costs (excluding funds for sites and expenses) as follows:

40 USC 601
note.

76 Stat. 723.
77 Stat. 433.
78 Stat. 651.
79 Stat. 527.
81 Stat. 346.

Post office and Federal office buildings, Talladega, Alabama, in addition to the sum heretofore appropriated, \$76,000;

Border station, Alaska Highway, Alaska, in addition to the sum heretofore appropriated, \$398,000;

Federal office building, Los Angeles County, California, in addition to the sum heretofore appropriated, \$1,258,000;

Federal office building, Chicago, Illinois, in addition to the sum heretofore appropriated, \$13,285,000;

Post office and courthouse, Concord, New Hampshire, (Claims), in addition to the sum heretofore appropriated, \$47,900;

Charles A. Buckley Post Office and Federal office building, Bronx, New York, formerly Post office and Federal office building, Bronx, New York, in addition to the sum heretofore appropriated, \$3,948,000;

Courthouse and Federal office building, Rochester, New York, in addition to the sum heretofore appropriated, \$2,085,000;

Courthouse and Federal office building, San Antonio, Texas, in addition to the sum heretofore appropriated, \$1,075,500;

Federal Bureau of Investigation Academy, Quantico, Virginia; in addition to the sum heretofore appropriated, \$7,396,000;

Federal Bureau of Investigation building (substructure), District of Columbia, in addition to the sum heretofore appropriated, \$3,800,000: *Provided further*, That the foregoing limits of costs may be exceeded to the extent that savings are effected in other projects, but by not to exceed 10 per centum.

SITES AND EXPENSES, PUBLIC BUILDINGS PROJECTS

For an additional amount for expenses necessary in connection with the construction of public buildings projects not otherwise provided for, including preliminary planning by contract or otherwise, \$11,000,000, to remain available until expended.

PAYMENTS, PUBLIC BUILDINGS PURCHASE CONTRACTS

For payments of principal, interest, taxes, and any other obligations under contracts entered into pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356), \$2,400,000.

68 Stat. 518.

EXPENSES, UNITED STATES COURT FACILITIES

For necessary expenses, not otherwise provided for, to provide directly or indirectly, additional space for the United States Courts incident to expansion of facilities (including rental of buildings in the District of Columbia and elsewhere and moving and space adjustments), and furniture and furnishings, \$1,250,000.

OPERATING EXPENSES, FEDERAL SUPPLY SERVICE

For expenses, not otherwise provided, necessary for supply distribution, procurement, inspection, operation of the stores depot system (including contractual services incident to receiving, handling, and shipping warehouse items), and other supply management and related activities, as authorized by law, \$77,515,000.

OPERATING EXPENSES, NATIONAL ARCHIVES AND RECORDS SERVICE

For necessary expenses in connection with Federal records management and related activities, as provided by law, including reimbursement for security guard services, and contractual services incident to movement or disposal of records, \$21,350,000.

NATIONAL HISTORICAL PUBLICATIONS GRANTS

For allocation to Federal agencies, and for grants to State and local agencies and nonprofit organizations and institutions, for the collecting, describing, preserving and compiling, and publishing of documentary sources significant to the history of the United States, \$350,000, to remain available until expended.

OPERATING EXPENSES, TRANSPORTATION AND COMMUNICATIONS SERVICE

For necessary expenses of transportation, communications, and other public utilities management and related activities, as provided by law, including services as authorized by 5 U.S.C. 3109, \$6,150,000.

80 Stat. 416.

OPERATING EXPENSES, PROPERTY MANAGEMENT AND DISPOSAL SERVICE

For expenses, not otherwise provided for, necessary for carrying out the functions of the Administrator with respect to the utilization of excess property; the disposal of surplus property; the rehabilitation of personal property; the appraisal of real and personal property; the national stockpile established by the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h); the supplemental stockpile established by section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607); the national industrial reserve established by the National Industrial Reserve Act of 1948 (50 U.S.C. 451-462); including services as authorized by 5 U.S.C. 3109, and reimbursement for security guard services, \$29,000,000, to be derived from proceeds from transfers of excess property, disposal of surplus property, and sales of stockpile materials: *Provided*, That during the current fiscal year the General Services Administration is authorized to acquire leasehold interests in property, for periods not in excess of twenty years, for the storage, security, and maintenance of strategic, critical, and other materials in the national and supplemental stockpiles provided said leasehold interests are at nominal cost to the Government: *Provided further*, That during the current fiscal year there shall be no limitation on the value of surplus strategic and critical materials which, in accordance with section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e), may be transferred without reimbursement to the national stockpile: *Provided further*, That during the current fiscal year materials in the inventory maintained under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061-2166), and excess materials in the national stockpile and the supplemental stockpile, the disposition of which is authorized by law, shall be available, without reimbursement, for transfer at fair market value to contractors as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, or otherwise beneficiating materials, or of rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b), and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093(d)).

60 Stat. 596.

7 USC 1704.

62 Stat. 1225.

80 Stat. 416.

64 Stat. 798.

SALARIES AND EXPENSES, OFFICE OF ADMINISTRATOR

For expenses of executive direction for activities under the control of the General Services Administration, \$1,926,000: *Provided*, That not to exceed \$500 shall be available for reception and representation expenses.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), \$335,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of sections (a) and (e) of such Act.

72 Stat. 838;
81 Stat. 642.

ADMINISTRATIVE OPERATIONS FUND

Funds available to General Services Administration for administrative operations, in support of program activities, shall be expended and accounted for, as a whole, through a single fund: *Provided*, That costs and obligations for such administrative operations for the respective program activities shall be accounted for in accordance with systems approved by the General Accounting Office: *Provided further*, That the total amount deposited into said account for the current fiscal year from funds made available to General Services Administration in this Act shall not exceed \$13,800,000: *Provided further*, That amounts deposited into said account for administrative operations for each program shall not exceed the amounts included in the respective program appropriations for such purposes.

GENERAL PROVISIONS

The appropriate appropriation or fund available to the General Services Administration shall be credited with (1) cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129); (2) reimbursements for services performed in respect to bonds and other obligations under the jurisdiction of the General Services Administration, issued by public authorities, States, or other public bodies, and such services in respect to such bonds or obligations as the Administrator deems necessary and in the public interest may, upon the request and at the expense of the issuing agencies, be provided from the appropriate foregoing appropriation; and (3) appropriations or funds available to other agencies, and transferred to the General Services Administration, in connection with property transferred to the General Services Administration pursuant to the Act of July 2, 1948 (50 U.S.C. 451ff), and such appropriations or funds may be so transferred, with the approval of the Bureau of the Budget.

Appropriations to the General Services Administration under the heading "Construction, Public Buildings Projects" shall be available, subject to the provisions of the Public Buildings Act of 1959 for (1) acquisition of buildings and sites thereof by purchase, condemnation, or otherwise, including prepayment of purchase contracts, (2) extension or conversion of Government-owned buildings, and (3) construction of new buildings, in addition to those set forth under that appropriation: *Provided*, That nothing herein shall authorize an expenditure of funds for acquisition, extension or conversion, or construction without the approval of the Committees on Appropriations of the Senate and House of Representatives.

Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

No part of any money appropriated by this or any other Act for any agency of the executive branch of the Government shall be used during the current fiscal year for the purchase within the continental limits of the United States of any typewriting machines except in accordance

61 Stat. 584.

62 Stat. 1225.

73 Stat. 479.
40 USC 601
note.

with regulations issued pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

Not to exceed 2 per centum of any appropriation made available to the General Services Administration for the current fiscal year by this Act may be transferred to any other such appropriation, but no such appropriation shall be increased thereby more than 2 per centum: *Provided*, That such transfers shall apply only to operating expenses, and shall not exceed in the aggregate the amount of \$2,000,000.

Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for (a) reimbursement to the General Services Administration for those expenses of renovation and alteration of buildings and facilities which constitute public improvements, performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479) or other applicable law, and (b) transfer or reimbursement to applicable appropriations to said Administration for rents and related expenses, not otherwise provided for, of providing subject to Executive Order 11035, dated July 9, 1962, directly or indirectly, suitable general purpose space for any such department or agency, in the District of Columbia or elsewhere.

No part of any appropriation contained in this Act shall be used for the payment of rental on lease agreements for the accommodation of Federal agencies in buildings and improvements which are to be erected by the lessor for such agencies at an estimated cost of construction in excess of \$200,000 or for the payment of the salary of any person who executes such a lease agreement: *Provided*, That the foregoing proviso shall not be applicable to projects for which a prospectus for the lease construction of space has been submitted to the Congress and approval made in the same manner as for the public buildings construction projects pursuant to the Public Buildings Act of 1959.

63 Stat. 377.
40 USC 471
note.
Transfer of
funds.

40 USC 601
note.

40 USC 490
note.

NATIONAL AERONAUTICS AND SPACE

ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, and alteration of real and personal property; and purchase, hire, maintenance, and operation of other than administrative aircraft necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration, \$3,006,000,000, to remain available until expended.

CONSTRUCTION OF FACILITIES

For advance planning, design, and construction of facilities for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, \$53,233,000, to remain available until expended.

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses of research in Government laboratories, management of programs and other activities of the National Aeronautics and Space Administration, not otherwise provided for, including uni-

80 Stat. 508;
81 Stat. 206.

forms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); minor construction; awards; hire, maintenance and operation of administrative aircraft; purchase (not to exceed thirty-five for replacement only) and hire of passenger motor vehicles; and maintenance, repair, and alteration of real and personal property; \$637,400,000: *Provided*, That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

GENERAL PROVISIONS

Transfer of funds.

Not to exceed 5 per centum of any appropriation made available to the National Aeronautics and Space Administration by this Act may be transferred to any other such appropriation.

Not to exceed \$35,000 of the appropriation "Research and Program Management" in this Act for the National Aeronautics and Space Administration shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

NATIONAL SCIENCE FOUNDATION

SALARIES AND EXPENSES

64 Stat. 149.

72 Stat. 1601.

80 Stat. 998.

73 Stat. 431.

80 Stat. 416.

For expenses necessary to carry out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), Title IX of the National Defense Education Act of 1958 (42 U.S.C. 1876–1879), the National Sea Grant College and Program Act of 1966, (33 U.S.C. 1121–1124), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881), including award of graduate fellowships; services as authorized by 5 U.S.C. 3109; purchase of two aircraft; maintenance and operation of four aircraft and purchase of flight services for research support; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; \$438,000,000, to remain available until expended: *Provided*. That of the foregoing amount not less than \$37,600,000 shall be available for tuition, grants, and allowances in connection with a program of supplementary training for secondary school science and mathematics teachers: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers may be credited to this appropriation: *And provided further*, That if an institution of higher education receiving funds hereunder determines after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has, after the date of enactment of this Act, willfully refused to obey a lawful regulation or order of such institution and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution, then the institution shall deny any further payment to, or for the benefit of, such individual.

Campus
disruptors.
Denial of
payments.

SCIENTIFIC ACTIVITIES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United

States, for the translation and publication of science information, as authorized by section 104(b)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)(3)), \$2,000,000: *Provided*, That this appropriation shall be available in addition to other appropriations to the National Science Foundation, for payments in the foregoing currencies.

80 Stat. 1529.

RENEGOTIATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Renegotiation Board, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, \$4,000,000.

80 Stat. 416.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and services as authorized by 5 U.S.C. 3109, \$20,416,000.

80 Stat. 508;

81 Stat. 206.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the operation and maintenance of the Selective Service System, as authorized by title I of the Military Selective Service Act of 1967 (62 Stat. 604), as amended, including services as authorized by 5 U.S.C. 3109; expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 2301-2318) for civilian employees; hire of motor vehicles; purchase of thirteen passenger motor vehicles for replacement only; not to exceed \$76,000 for the National Selective Service Appeal Board; and \$96,000 for the National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists; \$68,348,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interest of national defense.

81 Stat. 100.
50 USC app.
451.80 Stat. 432.
5 USC 4101-
4118 and notes.

31 USC 665.

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

For the payment of compensation, pensions, gratuities, and allowances, including burial awards, burial flags, subsistence allowances for vocational rehabilitation, emergency and other officers' retirement pay, adjusted-service credits and certificates, as authorized by law; and for payment of amounts of compromises or settlements under 28 U.S.C. 2677 of tort claims potentially subject to the offset provisions of 38 U.S.C. 351, \$5,041,355,000, to remain available until expended.

80 Stat. 307;
72 Stat. 1124;
76 Stat. 950.

READJUSTMENT BENEFITS

72 Stat. 1167.
38 USC 801-
805; 1501-1905.

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 31 (except section 1504), and 33-39), \$742,200,000, to remain available until expended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, and service-disabled veterans insurance, to remain available until expended, \$13,753,000, of which \$6,500,000 shall be derived from the Veterans Special Term Insurance Fund.

MEDICAL CARE

80 Stat. 508;
81 Stat. 206.
82 Stat. 448.

For expenses necessary for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Veterans Administration including care and treatment in facilities not under the jurisdiction of the Veterans Administration, and furnishing recreational facilities, supplies and equipment; maintenance and operation of farms and burial grounds; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Veterans Administration, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowance therefor as authorized by law (5 U.S.C. 5901-5902); and aid to State homes as authorized by law (38 U.S.C. 641); \$1,541,701,000, plus reimbursements: *Provided*, That allotments and transfers may be made from this appropriation to the Public Health Service of the Department of Health, Education, and Welfare, and the Army, Navy, and Air Force of the Department of Defense, for disbursements by them under the various headings of their applicable appropriations, of such amounts as are necessary for the care and treatment of beneficiaries of the Veterans Administration.

MEDICAL AND PROSTHETIC RESEARCH

For expenses necessary for carrying out programs of medical and prosthetic research and development, as authorized by law, to remain available until expended, \$54,638,000.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

80 Stat. 1375.

For expenses necessary for administration of the medical, hospital, domiciliary, construction and supply, research, employee education and training activities, as authorized by law, and for carrying out the provisions of section 5055, title 38, United States Code, relating to pilot programs and grants for exchange of medical information, \$16,950,000.

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Veterans Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed \$1,000 for official reception and representation expenses; purchase of one passenger motor vehicle (medium sedan for replacement only) and hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services; \$220,865,000: *Provided*, That no part of this appropriation shall be used to pay in excess of twenty-two persons engaged in public relations work.

CONSTRUCTION OF HOSPITAL AND DOMICILIARY FACILITIES

For hospital and domiciliary facilities, for planning and for major alterations, improvements, and repairs and extending any of the facilities under the jurisdiction of the Veterans Administration or for any of the purposes set forth in sections 5001, 5002, and 5004, title 38, United States Code, including necessary expenses of administration, \$69,152,000, to remain available until expended.

^{72 Stat. 1251;}
^{80 Stat. 1372.}

GRANTS FOR CONSTRUCTION OF STATE NURSING HOMES

For grants to assist the several States to construct State home facilities for furnishing nursing home care to veterans, as authorized by law (38 U.S.C. 5031-5037), \$4,000,000, to remain available until June 30, 1972.

^{78 Stat. 501.}

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants, as authorized by law (38 U.S.C. 631-634), \$1,362,000.

^{72 Stat. 1145;}
^{80 Stat. 859.}

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations in Direct loan revolving fund assets or Loan guaranty revolving fund assets authorized by the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1717(c)), \$5,716,000.

^{81 Stat. 341.}

^{78 Stat. 800;}
^{80 Stat. 164;}
^{82 Stat. 542.}

LOAN GUARANTY REVOLVING FUND

During the current fiscal year, the Loan guaranty revolving fund shall be available for expenses, but not to exceed \$425,000,000, for property acquisitions and other loan guaranty and insurance operations under Chapter 37, title 38, United States Code, except administrative expenses, as authorized by section 1824 of such title: *Provided*, That the unobligated balances including retained earnings of the Direct loan revolving fund shall be available, during the current fiscal year, for transfer to the Loan guaranty revolving fund in such amounts as may be necessary to provide for the timely payment of obligations of such fund and the Administrator of Veterans Affairs shall not be required to pay interest on amounts so transferred after the time of such transfer.

^{72 Stat. 1203;}
^{80 Stat. 26;}
^{82 Stat. 116.}
^{38 USC 1801-}
^{1827.}
^{74 Stat. 532.}

ADMINISTRATIVE PROVISIONS

Transfers of
funds.

Not to exceed 5 per centum of any appropriation for the current fiscal year for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations, but not to exceed 10 per centum of the appropriations so augmented.

Appropriations available to the Veterans Administration for the current fiscal year for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

80 Stat. 416.
72 Stat. 1169;
80 Stat. 29.

The appropriation available to the Veterans Administration for the current fiscal year for "Medical care" shall be available for funeral, burial, and other expenses incidental thereto (except burial awards authorized by 38 U.S.C. 902), for beneficiaries of the Veterans Administration receiving care under such appropriations.

No part of the appropriations in this Act for the Veterans Administration (except the appropriation for "Construction of hospital and domiciliary facilities") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Administrator of Veterans Affairs.

DEPARTMENT OF DEFENSE

CIVIL DEFENSE

OPERATION AND MAINTENANCE

72 Stat. 533;
82 Stat. 175.
50 USC app.
2286.

For expenses, not otherwise provided for, necessary for carrying out civil defense activities, including the hire of motor vehicles; and financial contributions to the States for civil defense purposes, as authorized by law, \$49,200,000: *Provided*, That not to exceed \$19,400,000 shall be available for allocation under section 205 of the Federal Civil Defense Act of 1950, as amended.

RESEARCH, SHELTER SURVEY AND MARKING

For expenses, not otherwise provided for, necessary for studies and research to develop measures and plans for civil defense; continuing shelter surveys, marking, stocking, and equipping surveyed spaces; and constructing and equipping Federal regional operating centers; \$20,050,000, to remain available until expended: *Provided*, That not to exceed \$1,800,000 of this appropriation may be transferred to appropriations of the Department of Defense available for military construction for construction of Federal regional operating centers.

GENERAL PROVISIONS—CIVIL DEFENSE

64 Stat. 1257;
72 Stat. 534.

Appropriations contained in this Act for carrying out civil defense activities shall not be available in excess of the limitations on appropriations contained in section 408 of the Federal Civil Defense Act, as amended (50 U.S.C. App. 2260).

No part of any appropriation in this Act shall be available for the construction of warehouses or for the lease of warehouse space in any building which is to be constructed specifically for civil defense activities.

**DEPARTMENT OF HEALTH, EDUCATION, AND
WELFARE**

PUBLIC HEALTH SERVICE

EMERGENCY HEALTH

For expenses necessary for carrying out emergency planning and preparedness functions of the Health Services and Mental Health Administration, and procurement, storage (including underground storage), distribution, and maintenance of emergency civil defense medical supplies and equipment, as authorized by section 201(h) of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281(h)), and, except as otherwise provided, sections 301 and 311 of the Public Health Service Act with respect to emergency health services, \$4,000,000, to remain available until expended.

64 Stat. 1248;
82 Stat. 175.

58 Stat. 691.
42 USC 241,
243.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RENEWAL AND HOUSING ASSISTANCE

GRANTS FOR NEIGHBORHOOD FACILITIES

For grants authorized by section 703 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3103), \$40,000,000, to remain available until expended.

79 Stat. 491.

ALASKA HOUSING

For assistance in the provision of housing and related facilities for Alaska natives and other Alaska residents, as authorized by section 1004 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3371), with which shall be merged the unexpended balances of funds heretofore appropriated pursuant to such authorization, \$1,000,000, to remain available until expended.

80 Stat. 1284.

URBAN RENEWAL PROGRAMS

For grants for urban renewal, fiscal year 1970, as an additional amount for urban renewal programs, as authorized by title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.) and section 314 of the Housing Act of 1954, as amended (42 U.S.C. 1452a), \$250,000,000 to remain available until expended: *Provided*, That no part of any appropriation in this Act shall be used for administrative expenses in connection with commitments for grants aggregating more than the total of amounts available in the current year from the amounts authorized for making such commitments through June 30, 1967, plus the additional amounts appropriated therefor.

63 Stat. 414;
68 Stat. 622;
79 Stat. 457;
82 Stat. 525.
68 Stat. 629;
78 Stat. 792;
82 Stat. 603.

REHABILITATION LOAN FUND

For the revolving fund established pursuant to section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b), \$45,000,000, to remain available until expended.

78 Stat. 790;
82 Stat. 523.

LOW RENT PUBLIC HOUSING ANNUAL CONTRIBUTIONS

For the payment of annual contributions to public housing agencies in accordance with section 10 of the United States Housing Act of 1937, as amended (42 U.S.C. 1410), \$473,500,000.

50 Stat. 891.

82 Stat. 604.
12 USC 1749.

COLLEGE HOUSING

For payments authorized by section 1705 of the Housing and Urban Development Act of 1968, \$2,500,000: *Provided*, That the limitation otherwise applicable to the total payments that may be required in any fiscal year by all contracts entered into under such section is increased by \$6,500,000.

SALARIES AND EXPENSES

For necessary administrative expenses of programs of renewal and housing assistance, not otherwise provided for, \$37,000,000.

METROPOLITAN DEVELOPMENT

COMPREHENSIVE PLANNING GRANTS

For "Comprehensive planning grants" as authorized by section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), \$50,000,000, to remain available until expended.

82 Stat. 526.

78 Stat. 802.

COMMUNITY DEVELOPMENT TRAINING PROGRAMS

For matching grants to States for training and related activities, and for expenses of providing technical assistance to State and local governmental or public bodies (including studies and publication of information), as authorized by title VIII of the Housing Act of 1964 (20 U.S.C. 801-805), \$3,000,000.

FELLOWSHIPS FOR CITY PLANNING AND URBAN STUDIES

For fellowships for city planning and urban studies as authorized by section 810 of the Housing Act of 1964 (20 U.S.C. 811), \$500,000.

78 Stat. 803;
81 Stat. 167.

82 Stat. 516.

NEW COMMUNITY ASSISTANCE

For supplementary grants as authorized by title IV of the Housing and Urban Development Act of 1968 (42 U.S.C. 3911), \$2,500,000, to remain available until expended.

OPEN SPACE LAND PROGRAMS

For grants as authorized by title VII of the Housing Act of 1961, as amended (42 U.S.C. 1500-1500e), and the provision of technical assistance to State and local public bodies (including the undertaking of studies and publication of information), \$75,000,000, to remain available until expended: *Provided*, That no part of this appropriation may be used for financing a grant in excess of 50 per centum of the cost of any activity or project.

75 Stat. 183;
80 Stat. 1279.

GRANTS FOR BASIC WATER AND SEWER FACILITIES

For grants authorized by section 702 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102), \$135,000,000, to remain available until expended.

79 Stat. 490;
82 Stat. 534.

GRANTS TO AID ADVANCE ACQUISITION OF LAND

For grants authorized by section 704 of the Housing and Urban Development Act of 1965, as amended (42 U.S.C. 3104), \$2,500,000, to remain available until expended.

82 Stat. 533.

SALARIES AND EXPENSES

For necessary administrative expenses of programs of metropolitan development, not otherwise provided for, \$7,500,000.

MODEL CITIES AND GOVERNMENTAL RELATIONS

MODEL CITIES PROGRAMS

For financial assistance and administrative expenses in connection with planning and carrying out comprehensive city demonstration programs, as authorized by title I of the Demonstration Cities and Metropolitan Development Act of 1966 (80 Stat. 1255-1261), \$575,000,000 for the fiscal year 1970, to remain available until June 30, 1971.

42 USC 3301-
3313.

SALARIES AND EXPENSES

For necessary administrative expenses of programs of Model Cities and governmental relations, not otherwise provided for, \$550,000, together with not to exceed \$6,750,000 to be derived from the appropriation for "Model cities programs": *Provided*, That no part of this or any other appropriation in this Act may be used to provide metropolitan expeditors, or for the administration or implementation of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89-754).

80 Stat. 1262.
42 USC 3334.

URBAN TECHNOLOGY AND RESEARCH

URBAN RESEARCH AND TECHNOLOGY

For grants and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by law (12 U.S.C. 1701d-3; 1701e; 1701f; 42 U.S.C. 3532; 42 U.S.C. 3372-3373), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, \$25,000,000: *Provided*, That not to exceed \$900,000 of the foregoing amount shall be available for administrative expenses.

70 Stat. 1113;
63 Stat. 431;
79 Stat. 667;
80 Stat. 1286.
82 Stat. 1369.
49 USC 1608
note.

LOW INCOME HOUSING DEMONSTRATION PROGRAMS

For low income housing demonstration programs pursuant to section 207 of the Housing Act of 1961, as amended (42 U.S.C. 1436), \$2,000,000, to be derived by transfer from the appropriation for "Urban research and technology": *Provided*, That no part of any appropriation in this Act shall be available for administrative expenses in connection with contracts to make grants in excess of the amount herein appropriated.

75 Stat. 165;
79 Stat. 503.

MORTGAGE CREDIT**HOMEOWNERSHIP AND RENTAL HOUSING ASSISTANCE**

**12 USC 1715z,
1715z-1.**

For homeownership assistance payments, authorized by section 235, and for interest reduction payments as authorized by section 236 of the National Housing Act, as amended (82 Stat. 477 and 498), \$26,500,000: *Provided*, That the limitation on total payments that may be required in any fiscal year by all contracts entered into under section 235 is increased by \$90,000,000, and the limitation on total payments under those entered into under section 236 is increased by \$85,000,000.

**79 Stat. 451.
12 USC 1701s
and note.**

68 Stat. 623.

For rent supplement payments authorized by section 101 of the Housing and Urban Development Act of 1965, \$23,000,000: *Provided*, That the limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under such section is increased by \$50,000,000: *Provided further*, That no part of the foregoing appropriation or contract authority shall be used for incurring any obligation in connection with any dwelling unit or project which is not either part of a workable program for community improvement meeting the requirements of section 101(c) of the Housing Act of 1949, as amended (42 U.S.C. 1451(c)), or which is without local official approval for participation in this program.

12 USC 1701x.

LOW AND MODERATE INCOME SPONSOR FUND

For the low and moderate income sponsor fund, authorized by section 106 of the Housing and Urban Development Act of 1968 (82 Stat. 490), \$2,000,000.

SALARIES AND EXPENSES

**79 Stat. 451.
12 USC 1701x.
15 USC 1701-
1720.**

For necessary administrative expenses of the Federal Housing Administration in carrying out functions delegated by the Secretary under section 101 of the Housing and Urban Development Act of 1965, as amended (12 U.S.C. 1701s), and section 106 and title XIV of the Housing and Urban Development Act of 1968 (82 Stat. 490 and 590), not otherwise provided for, \$3,500,000.

FEDERAL INSURANCE ADMINISTRATION

**42 USC 4001
note.**

For necessary administrative expenses, not otherwise provided for, in carrying out the National Flood Insurance Act of 1968 (82 Stat. 572), \$2,400,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

**82 Stat. 81.
12 USC 1701u.
78 Stat. 252.
42 USC 1982
note, 2000e note.**

For expenses necessary to carry out the functions of the Secretary pursuant to title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601), section 3 of the Housing and Urban Development Act of 1968 (82 Stat. 476), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), and Executive Orders 11063 (27 Fed. Reg. 11527) and 11246, as amended (30 Fed. Reg. 12319, 32 Fed. Reg. 14303), \$6,000,000.

DEPARTMENTAL MANAGEMENT**GENERAL ADMINISTRATION**

For necessary administrative expenses of the Secretary, not otherwise provided for, in overall program planning and direction in the Department, including not to exceed \$2,500 for official reception and representation expenses, \$9,000,000.

REGIONAL MANAGEMENT AND SERVICES

For necessary administrative expenses, not otherwise provided for, of management and program coordination in the regional offices of the Department, \$10,500,000.

WORKING CAPITAL FUND

For additional capital for the fund established pursuant to section 7(f) of the Department of Housing and Urban Development Act of 1965 (79 Stat. 670), \$4,338,000, to remain available until expended.

42 USC 3535.

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations in assets of the Department of Housing and Urban Development (including the Government National Mortgage Association) authorized by the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended, \$56,238,000.

81 Stat. 341.
78 Stat. 800;
80 Stat. 164.
12 USC 1717.

TITLE III—CORPORATIONS

The following corporations and agencies, respectively, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Budget for the current fiscal year for each such corporation or agency except as hereinafter provided:

61 Stat. 584.
31 USC 849.**FEDERAL HOME LOAN BANK BOARD****LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES,****FEDERAL HOME LOAN BANK BOARD**

Not to exceed a total of \$5,300,000 shall be available for administrative expenses of the Federal Home Loan Bank Board, which may procure services as authorized by 5 U.S.C. 3109, and contracts for such services with one organization may be renewed annually, and uniforms or allowances therefor in accordance with law (5 U.S.C. 5901-5902), and said amount shall be derived from funds available to the Federal Home Loan Bank Board, including those in the Federal Home Loan Bank Board revolving fund and receipts of the Board for the current

80 Stat. 416.
80 Stat. 508;
81 Stat. 206.

fiscal year and prior fiscal years, and the Board may utilize and may make payment for services and facilities of the Federal home loan banks, the Federal Reserve banks, the Federal Savings and Loan Insurance Corporation, and other agencies of the Government (including payment for office space): *Provided*, That all necessary expenses in connection with the conservatorship of institutions insured by the Federal Savings and Loan Insurance Corporation or activities relating to section 5A(f) or 6(i) of the Federal Home Loan Bank Act, section 5(d) of the Home Owners' Loan Act of 1933, or section 406(c), 407, or 408 of the National Housing Act and all necessary expenses (including services performed on a contract or fee basis, but not including other personal services) in connection with the handling, including the purchase, sale, and exchange, of securities on behalf of Federal home loan banks, and the sale, issuance, and retirement of, or payment of interest on, debentures or bonds, under the Federal Home Loan Bank Act, as amended, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That members and alternates of the Federal Savings and Loan Advisory Council shall be entitled to reimbursement from the Board as approved by the Board for transportation expenses incurred in attendance at meetings of or concerned with the work of such Council and may be paid not to exceed \$25 per diem in lieu of subsistence: *Provided further*, That expenses of any functions of supervision (except of Federal home loan banks) vested in or exercisable by the Board shall be considered as nonadministrative expenses: *Provided further*, That not to exceed \$1,000 shall be available for official reception and representation expenses: *Provided further*, That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of the Board shall be incurred, allowed, and paid in accordance with the provisions of the Federal Home Loan Bank Act of July 22, 1932, as amended (12 U.S.C. 1421-1449): *Provided further*, That the nonadministrative expenses (except those included in the first proviso hereof) for the supervision and examination of Federal and State chartered institutions (other than special examinations determined by the Board to be necessary) shall not exceed \$13,800,000.

47 Stat. 725.

80 Stat. 1293.

CONSTRUCTION OF HEADQUARTERS FACILITY

The limitation on obligations which may be incurred by the Board in connection with the acquisition of real property for, and the construction, development, furnishing, and equipping of, a headquarters facility in the District of Columbia, as authorized by law (12 U.S.C. 1438(c) (7)), is increased by \$8,400,000.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Not to exceed \$360,000 shall be available for administrative expenses, which shall be on an accrual basis and shall be exclusive of interest paid, depreciation, properly capitalized expenditures, expenses in connection with liquidation of insured institutions or activities relating to section 406(c), 407, or 408 of the National Housing Act, liquidation or handling of assets of or derived from insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of insured institutions,

82 Stat. 856.
12 USC 1425a.
47 Stat. 727.
12 USC 1426.
80 Stat. 1028.
12 USC 1464.
48 Stat. 1259.
82 Stat. 295.
80 Stat. 1036.
82 Stat. 5.
12 USC 1729,
1730, 1730a.

legal fees and expenses, and payments for expenses of the Federal Home Loan Bank Board determined by said Board to be properly allocable to said Corporation, and said Corporation may utilize and may make payments for services and facilities of the Federal home loan banks, the Federal Reserve banks, the Federal Home Loan Bank Board, and other agencies of the Government: *Provided*, That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of said Corporation shall be incurred, allowed and paid in accordance with title IV of the Act of June 27, 1934, as amended (12 U.S.C. 1724–1730b).

48 Stat. 1255.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

LIMITATION ON ADMINISTRATIVE EXPENSES, HOUSING FOR THE ELDERLY OR HANDICAPPED

Not to exceed \$1,200,000 of funds in the revolving fund established pursuant to section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q et seq.), shall be available for administrative expenses.

73 Stat. 667;
79 Stat. 457.

LIMITATION ON ADMINISTRATIVE EXPENSES, COLLEGE HOUSING LOANS

Not to exceed \$1,100,000 of the funds available for making loans for college housing and other facilities shall be available for administrative expenses in connection with such loans (12 U.S.C. 1749–1749d).

64 Stat. 77;
77 Stat. 437.

LIMITATION ON ADMINISTRATIVE EXPENSES, PUBLIC FACILITY LOANS

Not to exceed \$1,000,000 of funds in the revolving funds established pursuant to title II of the Housing Amendments of 1955, as amended, shall be available for administrative expenses.

69 Stat. 642.
42 USC 1491–
1497.

LIMITATION ON ADMINISTRATIVE EXPENSES, REVOLVING FUND (LIQUIDATING PROGRAMS)

During the current fiscal year not to exceed \$100,000 shall be available for administrative expenses, but this amount shall be exclusive of expenses necessary in the case of defaulted obligations to protect the interests of the Government.

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES, FEDERAL HOUSING ADMINISTRATION

For administrative expenses in carrying out duties imposed by or pursuant to law, not to exceed \$12,500,000 of the various funds of the Federal Housing Administration shall be available, in accordance with the National Housing Act, as amended (12 U.S.C. 1701): *Provided*, That funds shall be available for contract actuarial services (not to exceed \$1,500): *Provided further*, That nonadministrative expenses classified by section 2 of Public Law 387, approved October 25, 1949, shall not exceed \$105,000,000.

48 Stat. 1246.

63 Stat. 905.
12 USC 1702.

LIMITATION ON ADMINISTRATIVE EXPENSES, GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

Not to exceed \$5,000,000 shall be available for administrative expenses, which shall be on accrual basis, and shall be exclusive of interest paid, expenses (including expenses for fiscal agency services performed on a contract or fee basis) in connection with the issuance and servicing of securities, depreciation, properly capitalized expenditures, fees for servicing mortgages, expenses (including services performed on a force account, contract or fee basis, but not including other personal services) in connection with the acquisition, protection, operation, maintenance, improvement, or disposition of real or personal property belonging to said Association or in which it has an interest, cost of salaries, wages, travel, and other expenses of persons employed outside of the continental United States, and all administrative expenses reimbursable from other Government agencies and from the Federal National Mortgage Association: *Provided*, That the distribution of administrative expenses to the accounts of the Association shall be made in accordance with generally recognized accounting principles and practices.

ADMINISTRATIVE EXPENSES, LOW RENT PUBLIC HOUSING

Administrative expenses of carrying out the provisions of the United States Housing Act of 1937, as amended (42 U.S.C. 1401–1433) shall be provided for from amounts appropriated therefor in this Act, except that necessary expenses of providing representatives at the sites of non-Federal projects in connection with the construction of such projects by public housing agencies with aid under the United States Housing Act of 1937, as amended, shall be compensated by such agencies by the payment of fixed fees which in the aggregate will cover the costs of rendering such services, and expenditures for such purpose shall be considered nonadministrative expenses, and funds received from such payments may be used only for the payment of necessary expenses of providing such representatives.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I and II of this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans Administration; or to payments to inter-agency motor pool where separately set forth in the budget schedules.

SEC. 402. No part of any appropriation contained in titles I and II of this Act shall be available to pay the salary of any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service

*Employees,
military leave,
restoration of
position.*

or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Civil Service Commission as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 403. No part of any appropriation made available by the provisions of titles I and II of this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

Real estate,
D.C.

SEC. 404. No part of any appropriation contained in this Act, or of the funds available for expenditure by any corporation or agency included in this Act, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before the Congress.

Publicity or
propaganda.

SEC. 405. No part of any appropriation contained in this Act, or of the funds available for expenditure by any corporation or agency included in this Act, shall be used to pay the compensation of any employee engaged in personnel work in excess of the number that would be provided by a ratio of one such employee to one hundred and thirty-five, or a part thereof, full-time, part-time, and intermittent employees of the corporation or agency concerned: *Provided*, That for purposes of this section employees shall be considered as engaged in personnel work if they spend half-time or more in personnel administration consisting of direction and administration of the personnel program; employment, placement, and separation; job evaluation and classification; employee relations and services; wage administration; and processing, recording, and reporting.

Personnel
work, limita-
tion.

SEC. 406. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

Uniforms, etc.

80 Stat. 508;
81 Stat. 206.

80 Stat. 416.
Legal and
banking services.

SEC. 407. Funds made available for the Department of Housing and Urban Development under title III of this Act shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association or Government National Mortgage Association, Federal Reserve banks or any member thereof, Federal home loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

64 Stat. 873.
Research
projects.

SEC. 408. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals for projects not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 409. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Interdepart-
mental groups,
expenses.

SEC. 410. None of the funds in this Act shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under sec. 214 of the Independent Offices Appropriation

59 Stat. 134.

Payments to
convicted rioters,
prohibition.

Federal em-
ployees, limita-
tion, exception.

Ante, p. 83.

Short title.

Act, 1946 (31 U.S.C. 691) which do not have prior and specific Congressional approval of such method of financial support.

SEC. 411. No part of the funds appropriated by this Act shall be used to pay the salary of any Federal employee who is convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

SEC. 412. Positions in the agencies covered by this Act, whether financed from funds contained in this Act or from other sources, may be filled during the fiscal year 1970 without regard to the provisions of section 201 of Public Law 90-364, and such positions shall not be taken into consideration in determining numbers of employees under subsection (a) of that section or numbers of vacancies under subsection (b) of that section.

This Act may be cited as the "Independent Offices and Department of Housing and Urban Development Appropriation Act, 1970".

Approved November 26, 1969.

Public Law 91-127

AN ACT

Making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

Department of
Agriculture and
Related Agencies
Appropriation
Act, 1970.
[H. R. 11612]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes; namely:

DEPARTMENT OF AGRICULTURE

TITLE I—GENERAL ACTIVITIES

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For expenses necessary to perform agricultural research relating to production, utilization, marketing, nutrition and consumer use, to

control and eradicate pests and plant and animal diseases, and to perform related inspection, quarantine and regulatory work: *Provided*, That appropriations hereunder shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed two for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250, for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building (except headhouses connecting greenhouses) shall not exceed \$25,000, except for six buildings to be constructed or improved at a cost not to exceed \$55,000 each, and the cost of altering any one building during the fiscal year shall not exceed \$7,500 or 7.5 per centum of the cost of the building, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to a total of \$100,000 for facilities at Beltsville, Maryland:

Research: For research and demonstrations on the production and utilization of agricultural products; agricultural marketing and distribution, not otherwise provided for; home economics or nutrition and consumer use of agricultural and associated products; and related research and services: and for acquisition of land by donation, exchange, or purchase at a nominal cost not to exceed \$100; \$131,802,200, and in addition not to exceed \$15,000,000 from funds available under section 32 of the Act of August 24, 1935, pursuant to Public Law 88-250 shall be transferred to and merged with this appropriation, of which \$935,000 shall remain available until expended for plans, construction, and improvement of facilities without regard to limitations contained herein: *Provided*, That the limitations contained herein shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That none of the funds appropriated in this Act shall be used to formulate a budget estimate for fiscal 1971 of more than \$15,000,000 for research to be financed by transfer from funds available under section 32 of the Act of August 24, 1935, and pursuant to Public Law 88-250;

Plant and animal disease and pest control: For operations and measures, not otherwise provided for, to control and eradicate pests and plant and animal diseases and for carrying out assigned inspection, quarantine, and regulatory activities, as authorized by law, including expenses pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b-c), \$90,809,750, of which \$1,500,000 shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended, for the control of outbreaks of insects, plant diseases and animal diseases to the extent necessary to meet emergency conditions: *Provided*, That no funds shall be used to formulate or admin-

58 Stat. 742.
80 Stat. 416.

58 Stat. 742.

49 Stat. 774.
7 USC 612c.
77 Stat. 820.

62 Stat. 198.

61 Stat. 7;
80 Stat. 330.
31 USC 665.

ister a brucellosis eradication program for the current fiscal year that does not require minimum matching by any State of at least 40 per centum: *Provided further*, That not to exceed \$1,500,000 shall remain available until expended for construction of facilities without regard to limitations contained herein: *Provided further*, That, in addition, in emergencies which threaten the livestock or poultry industries of the country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious diseases of animals, or European fowl pest and similar diseases in poultry, and for expenses in accordance with the Act of February 28, 1947, as amended, and any unexpended balances of funds transferred under this head in the next preceding fiscal year shall be merged with such transferred amounts;

Special fund: To provide for additional labor, subprofessional and junior scientific help to be employed under contracts and cooperative agreements to strengthen the work at research installations in the field, not more than \$2,000,000 of the amount appropriated under this head for the previous fiscal year may be used by the Administrator of the Agricultural Research Service in departmental research programs in the current fiscal year, the amount so used to be transferred to and merged with the appropriation otherwise available under "Salaries and expenses, Research".

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments, in foreign currencies owed to or owned by the United States for market development research authorized by section 104(b)(1) and for agricultural and forestry research and other functions related thereto authorized by section 104(b)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b) (1), (3)), \$5,000,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations for these purposes, for payments in the foregoing currencies: *Provided further*, That funds appropriated herein shall be used for payments in such foreign currencies as the Department determines are needed and can be used most effectively to carry out the purposes of this paragraph: *Provided further*, That not to exceed \$25,000 of this appropriation shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

80 Stat. 1529.

58 Stat. 742.
80 Stat. 416.

COOPERATIVE STATE RESEARCH SERVICE

PAYMENTS AND EXPENSES

For payments to agricultural experiment stations, for grants for cooperative forestry and other research, for facilities, and for other expenses, including \$55,189,000 to carry into effect the provisions of the Hatch Act, approved March 2, 1887, as amended by the Act approved August 11, 1955 (7 U.S.C. 361a-361i), including administration by the United States Department of Agriculture; \$3,785,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a-582a-7), \$2,000,000 in addition to funds otherwise available for contracts and grants for scientific research under the Act of August 4, 1965 (7 U.S.C. 450i) of which \$1,000,000 shall be for the special cotton research program and \$400,000 for soybean research; \$1,000,000 for grants for facilities under the Act approved July 22, 1963 (7 U.S.C. 390-390k); \$160,000 for penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended; and \$376,000 for necessary expenses of the Cooperative State Research Service, including administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 for employment under 5 U.S.C. 3109; in all, \$62,510,000.

69 Stat. 671.

76 Stat. 806.

79 Stat. 431.

77 Stat. 90.

69 Stat. 673.
7 USC 361f.58 Stat. 742.
80 Stat. 416.

EXTENSION SERVICE

COOPERATIVE EXTENSION WORK, PAYMENTS AND EXPENSES

Payments to States and Puerto Rico: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, and the Act of October 5, 1962 (7 U.S.C. 341-349), to be distributed under sections 3(b) and 3(c) of the Act, \$83,621,000; payments for the nutrition education program for low-income areas under section 3(d) of the Act, \$28,560,000; payments and contracts for such work under section 204(b)-205 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623-1624), \$1,450,000; and payments for extension work under section 109 of the District of Columbia Public Education Act, as amended by the Act of June 20, 1968 (7 U.S.C. 329), \$375,000; in all, \$114,006,000: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, shall not be paid to any State or Puerto Rico prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

67 Stat. 83.
69 Stat. 683.
76 Stat. 745.

Retirement and employees' compensation costs for extension agents: For cost of employer's share of Federal retirement and for reimbursement for benefits paid from the Employees' Compensation Fund for cooperative extension employees, \$10,240,000.

60 Stat. 1089.
82 Stat. 241.
D.C. Code 31-
1609.

Penalty mail: For costs of penalty mail for cooperative extension agents and State extension directors, \$3,400,000.

Federal Extension Service: For administration of the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, and the Act of October 5, 1962 (7 U.S.C. 341-349), and extension aspects of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), and of the District of Columbia Public Education Act, as amended by the Act of June 20, 1968 (7 U.S.C. 329), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, \$3,838,000.

FARMER COOPERATIVE SERVICE

SALARIES AND EXPENSES

44 Stat. 802.

60 Stat. 1087.

For necessary expenses to carry out the Act of July 2, 1926 (7 U.S.C. 451-457), and for conducting research relating to the economic and marketing aspects of farmer cooperatives, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), \$1,500,000.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

49 Stat. 163.

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-590f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures as may be necessary to prevent floods and the siltation of reservoirs) : operation of conservation nurseries; classification and mapping of soil; dissemination of information; purchase and erection or alteration of permanent buildings; and operation and maintenance of aircraft, \$118,786,000: *Provided*. That the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed \$2,500, except for one building to be constructed at a cost not to exceed \$25,000 and eight buildings to be constructed or improved at a cost not to exceed \$15,000 per building and except that alterations or improvements to other existing permanent buildings costing \$2,500 or more may be made in any fiscal year in an amount not to exceed \$500 per building: *Provided further*, That no part of this appropriation shall be available for the construction of any such building on land not owned by the Government: *Provided further*. That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a-590f) in demonstration projects: *Provided further*. That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$5,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the service.

58 Stat. 742.

80 Stat. 416.

RIVER BASIN SURVEYS AND INVESTIGATIONS

68 Stat. 668.

For necessary expenses to conduct research, investigations and surveys of the watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act, approved August 4, 1954, as amended (16 U.S.C. 1006), to remain available until expended; \$8,187,000, with which shall be merged the unexpended balances of funds heretofore appropriated to the Department for river basin survey purposes: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$60,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001–1008), to remain available until expended, \$6,209,000, with which shall be merged the unexpended balances of funds heretofore appropriated under this head: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109.

68 Stat. 666.

58 Stat. 742.

80 Stat. 416.

WATERSHED WORKS OF IMPROVEMENT

For necessary expenses to carry out preventive measures, including, but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act, approved August 4, 1954, as amended (16 U.S.C. 1001–1005, 1007–1008), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590 a–f), to remain available until expended; \$63,873,000, with which shall be merged the unexpended balances of funds heretofore appropriated or transferred to the Department for watershed protection purposes: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That \$5,000,000 of the funds in the direct loan account of the Farmers Home Administration shall be available until expended for loans.

49 Stat. 163.

FLOOD PREVENTION

For necessary expenses, in accordance with the Flood Control Act, approved June 22, 1936 (33 U.S.C. 701–709, 16 U.S.C. 1006a), as amended and supplemented, and in accordance with the provisions of laws relating to the activities of the Department, to perform works of improvement, including funds for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 for employment under 5 U.S.C. 3109, to remain available until expended; \$20,223,000, with which shall be merged the unexpended balances of funds heretofore appropriated or transferred to the Department for flood prevention purposes: *Provided*, That \$400,000 of funds in the direct loan account of the Farmers Home Administration shall be available until expended for loans.

49 Stat. 1570;

70 Stat. 1090.

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956 (16 U.S.C. 590p), \$15,000,000, to remain available until expended.

70 Stat. 1115.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development, and for sound land use, pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011; 76 Stat. 607),

49 Stat. 163.

75 Stat. 307;
82 Stat. 770.
7 USC 1922-
1929.

58 Stat. 742.

80 Stat. 416.

60 Stat. 1087.

and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), \$10,252,000, to remain available until expended: *Provided*, That the unobligated balance of funds heretofore appropriated under the head "Rural renewal" shall be transferred to and merged with this appropriation: *Provided further*, That \$3,300,000 of the funds available in the direct loan account of the Farmers Home Administration shall be available for loans under subtitle A of the Consolidated Farmers Home Administration Act of 1961, as amended, to remain available until expended: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109.

ECONOMIC RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Economic Research Service in conducting economic research and service relating to agricultural production, marketing, and distribution, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), and other laws, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, costs and returns in farming, and farm finance; and for analyses of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products; \$13,450,000: *Provided*, That not less than \$350,000 of the funds contained in this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and consumer: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not less than \$145,000 of the funds contained in this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

STATISTICAL REPORTING SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Statistical Reporting Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, \$15,412,800: *Provided*, That no part of the funds herein appropriated shall be available for any expense incident to publishing estimates of apple production for other than the commercial crop: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109.

CONSUMER AND MARKETING SERVICE**CONSUMER PROTECTIVE, MARKETING, AND REGULATORY PROGRAMS**

For expenses necessary to carry on services related to consumer protection, agricultural marketing and distribution, and regulatory programs, other than Packers and Stockyards Act, as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$25,000 for employment under 5 U.S.C. 3109, in carrying out section 201(a) to 201(d), inclusive, of title II of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1291) and section 203(j) of the Agricultural Marketing Act of 1946; \$133,595,500: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed \$7,500 or 7.5 per centum of the cost of the building, whichever is greater.

42 Stat. 159.
7 USC 181.

58 Stat. 742.
80 Stat. 416.
52 Stat. 36.
60 Stat. 1088.
7 USC 1622.

58 Stat. 742.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,600,000.

60 Stat. 1089.

CHILD NUTRITION PROGRAMS

For necessary expenses to carry out the provisions of the National School Lunch Act, as amended (42 U.S.C. 1751-1761) and the applicable provisions other than section 3 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1773-1785), \$252,441,000, of which \$129,941,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That of the foregoing total amount there shall be available \$44,800,000 for special assistance to needy schools, \$10,000,000 for the school breakfast program, \$10,000,000 for the nonfood assistance program, \$750,000 for State administrative expenses, and \$15,000,000 for special food service programs for children to remain available until September 30 of the next succeeding fiscal year: *Provided further*, That no part of this appropriation shall be used for nonfood assistance under section 5 of the National School Lunch Act, as amended: *Provided further*, That an additional \$64,325,000 shall be transferred to this appropriation from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), for purchase and distribution of agricultural commodities and other foods pursuant to section 6 of the National School Lunch Act, as amended.

60 Stat. 230;
82 Stat. 117.
80 Stat. 885.
49 Stat. 774.

FOOD STAMP PROGRAM

For necessary expenses of the food stamp program pursuant to the Food Stamp Act of 1964, as amended, \$610,000,000.

78 Stat. 703;
81 Stat. 228.
7 USC 2011
note.

SPECIAL MILK PROGRAM

For necessary expenses to carry out the provisions of the Special Milk Program, as authorized by section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772) \$84,000,000.

80 Stat. 885.

REMOVAL OF SURPLUS AGRICULTURAL COMMODITIES (SECTION 32)

49 Stat. 774.

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for (1) transfers to the Department of the Interior as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; (3) not more than \$2,900,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961; and (4) in addition to other amounts provided in this Act, not more than \$100,000,000 (including not to exceed \$2,000,000 for State administrative expenses) for (a) child feeding programs and nutritional programs authorized by law in the School Lunch Act and the Child Nutrition Act, as amended; (b) additional direct distribution or other programs, without regard to whether such area is under the food stamp program or a system of direct distribution, to provide, in the immediate vicinity of their place of permanent residence, either directly or through a State or local welfare agency, an adequate diet to other needy children and low-income persons determined by the Secretary of Agriculture to be suffering, through no fault of their own, from general and continued hunger resulting from insufficient food and (c) milk for children in nonprofit high schools and schools of lower levels, child-care centers, summer camps, and similar nonprofit institutions devoted to the care and training of children.

70 Stat. 1119.
16 USC 742a
note.50 Stat. 246.
7 USC 674
note.
75 Stat. 294.
7 USC 1911
note.42 USC 1751
note; 1771 note.

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

68 Stat. 908.

70 Stat. 1034.

49 Stat. 774.

For necessary expenses for the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$35,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$23,437,000: *Provided*, That not less than \$255,000 of the funds contained in this appropriation shall be available to obtain statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis: *Provided further*, That, in addition, not to exceed \$3,117,000 of the funds appropriated by section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c), shall be merged with this appropriation and shall be available for all expenses of the Foreign Agricultural Service.

COMMODITY EXCHANGE AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry into effect the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1-17a), \$2,321,000.

⁴² Stat. 998;
49 Stat. 1491.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EXPENSES, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301-1393); Sugar Act of 1948, as amended (7 U.S.C. 1101-1161); sections 7 to 15, 16(a), 16(d), 16(e), 16(f), 16(i), and 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g-590q); subtitles B and C of the Soil Bank Act (7 U.S.C. 1831-1837, 1802-1814, and 1816); and laws pertaining to the Commodity Credit Corporation, \$146,000,000: *Provided*, That, in addition, not to exceed \$62,483,000 may be transferred to and merged with this appropriation from the Commodity Credit Corporation fund (including not to exceed \$26,757,000 under the limitation on Commodity Credit Corporation administrative expenses): *Provided further*, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this appropriation: *Provided further*, That no part of the funds appropriated or made available under this Act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations.

52 Stat. 38.
61 Stat. 922;
79 Stat. 1271.
49 Stat. 1148.
70 Stat. 191;
73 Stat. 552;
79 Stat. 1206.

62 Stat. 792.
52 Stat. 31.
16 USC 590h.

SUGAR ACT PROGRAM

For necessary expenses to carry into effect the provisions of the Sugar Act of 1948 (7 U.S.C. 1101-1161), \$93,000,000, to remain available until June 30 of the next succeeding fiscal year.

AGRICULTURAL CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), and 17 of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended (16 U.S.C. 590g-590o, 590p(a), and 590q), including not to exceed \$15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, \$195,500,000, to remain available until December 31 of the next succeeding fiscal year for compliance with the programs of soil-building and soil- and water-conserving practices authorized under this head in the Department of Agriculture and Related Agencies Appropriation Acts, 1968 and 1969, carried out during the period July 1, 1967, to December 31, 1969, inclusive: *Provided*, That none of the funds herein appropriated shall be used to pay the salaries or expenses of any regional information employees or any State information em-

81 Stat. 328;
82 Stat. 647.

ployees, but this shall not preclude the answering of inquiries or supplying of information at the county level to individual farmers: *Provided further*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetland Types 3(III), 4(IV), and 5(V) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further*, That necessary amounts shall be available for administrative expenses in connection with the formulation and administration of the 1970 program of soil-building and soil- and water-conserving practices, including related wildlife conserving practices and pollution abatement practices, under the Act of February 29, 1936, as amended (amounting to \$195,500,000, excluding administration, except that no participant shall receive more than \$2,500, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community): *Provided further*, That not to exceed 5 per centum of the allocation for the current year's agricultural conservation program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the agricultural conservation program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That for the current year's program \$2,500,000 shall be available for technical assistance in formulating and carrying out agricultural conservation practices: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other farming material, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out farming practices approved by the Secretary under programs provided for herein: *Provided further*, That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18, United States Code, section 1913, to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels.

CROPLAND ADJUSTMENT PROGRAM

For necessary expenses to carry into effect a cropland adjustment program as authorized by the Food and Agriculture Act of 1965 (7 U.S.C. 1838), \$78,600,000: *Provided*, That no additional agreements are authorized for fiscal year 1970.

49 Stat. 1148.
16 USC 590g-
590q.

53 Stat. 1147;
54 Stat. 767.
5 USC 1501-
1508; 7324-7327.
62 Stat. 792.

79 Stat. 1206;
82 Stat. 996.

CONSERVATION RESERVE PROGRAM

For necessary expenses to carry out a conservation reserve program as authorized by subtitles B and C of the Soil Bank Act (7 U.S.C. 1831-1837, 1802-1814, and 1816), and to carry out liquidation activities for the acreage reserve program, to remain available until expended, \$37,250,000, with which may be merged the unexpended balances of funds heretofore appropriated for soil bank programs: *Provided*, That no part of these funds shall be paid on any contract which is illegal under the law due to the division of lands for the purpose of evading limits on annual payments to participants.

70 Stat. 191;
73 Stat. 552;
79 Stat. 1206.

EMERGENCY CONSERVATION MEASURES

For emergency conservation measures, to be used for the same purposes and subject to the same conditions as funds appropriated under this head in the Third Supplemental Appropriation Act, 1957, to remain available until expended, \$5,000,000, with which shall be merged the unexpended balances of funds heretofore appropriated for emergency conservation measures.

71 Stat. 176.

INDEMNITY PAYMENTS TO DAIRY FARMERS

For necessary expenses to carry out the provisions of the Act of August 13, 1968 (Public Law 90-484), \$200,000: *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government.

82 Stat. 750.
7 USC 450j.

RURAL COMMUNITY DEVELOPMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Rural Community Development Service in providing leadership and related services in carrying out the rural areas development activities of the Department, \$450,000: *Provided*, That not to exceed \$3,000 shall be available for employment under 5 U.S.C. 3109.

80 Stat. 416.

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$10,000 for employment under 5 U.S.C. 3109, \$13,657,000.

58 Stat. 742.

PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for administration of the Packers and Stockyards Act, as authorized by law, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$5,000 for employment under 5 U.S.C. 3109, \$3,354,650.

OFFICE OF THE GENERAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses, including payment of fees or dues for the use of law libraries by attorneys in the field service, \$5,229,500.

OFFICE OF INFORMATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Information for the dissemination of agricultural information and the coordination of informational work and programs authorized by Congress in the Department, \$2,106,000, of which total appropriation not to exceed \$612,000 may be used for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be available to be delivered to or sent out under the addressed franks furnished by the Senators, Representatives, and Delegates in Congress, as they shall direct (7 U.S.C. 417), and not less than two hundred and thirty-two thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by section 73 of the Act of January 12, 1895 (44 U.S.C. 241): *Provided*. That in the preparation of motion pictures or exhibits by the Department, this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$10,000 shall be available for employment under 5 U.S.C. 3109.

34 Stat. 690.

82 Stat. 1265.
44 USC 1301.

58 Stat. 742.

80 Stat. 416.

NATIONAL AGRICULTURAL LIBRARY

SALARIES AND EXPENSES

For necessary expenses of the National Agricultural Library, \$3,226,750: *Provided*. That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$35,000 shall be available for employment under 5 U.S.C. 3109.

OFFICE OF MANAGEMENT SERVICES

SALARIES AND EXPENSES

For necessary expenses to enable the Office of Management Services to provide management support services to selected agencies and offices of the Department of Agriculture, \$3,025,000.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of Agriculture and for general administration of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, and not to exceed \$5,000 for employment under 5 U.S.C. 3109, \$4,838,000: *Provided*, That this appropriation shall be reimbursed from applicable appropriations

for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558: *Provided further*, That not to exceed \$2,500 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further*, That not to exceed \$250,000 of funds contained in the Working Capital Fund established under authority of Public Law 78-129 may be used to carry out responsibilities under the Civil Rights Act of 1964.

80 Stat. 381;
81 Stat. 54.

57 Stat. 393.
7 USC 2235.
78 Stat. 241.
42 USC 2000a
note.

TITLE II—CREDIT AGENCIES

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-924), as follows:

49 Stat. 1363;
63 Stat. 948.

LOAN AUTHORIZATIONS

For loans in accordance with said Act, and for carrying out the provisions of section 7 thereof, to be borrowed from the Secretary of the Treasury in accordance with the provisions of section 3(a) of said Act, and to remain available without fiscal year limitation in accordance with section 3(e) of said Act, as follows: rural electrification program, \$340,000,000, and rural telephone program, \$123,300,000.

61 Stat. 546.
7 USC 903.

SALARIES AND EXPENSES

For administrative expenses, including not to exceed \$500 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$150,000 for employment under 5 U.S.C. 3109, \$13,429,000.

58 Stat. 742.
80 Stat. 416.

FARMERS HOME ADMINISTRATION

DIRECT LOAN ACCOUNT

Direct loans and advances under subtitles A and B, and advances under section 335(a) for which funds are not otherwise available, of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921), as amended, may be made from funds available in the Farmers Home Administration direct loan account as follows: real estate loans, \$83,000,000, and operating loans, \$275,000,000.

75 Stat. 307.
315.

RURAL HOUSING DIRECT LOAN ACCOUNT

For direct loans and related advances pursuant to section 518(d) of the Housing Act of 1949 (42 U.S.C. 1488), \$30,000,000 shall be available from funds in the rural housing direct loan account. Hereafter, farmer applicants for direct or insured rural housing loans shall be required to provide only such collateral security as is required of owners of nonfarm tracts.

79 Stat. 500.

EMERGENCY CREDIT REVOLVING FUND (DISASTER LOANS)

For an additional amount for the Emergency Credit Revolving Fund, as authorized by the Act of August 8, 1961 (7 U.S.C. 1967), \$31,918,000.

75 Stat. 312.

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1926), \$46,000,000.

79 Stat. 931;
82 Stat. 770.

78 Stat. 797.

82 Stat. 553.

75 Stat. 307.
63 Stat. 432;
79 Stat. 498;
82 Stat. 551.
64 Stat. 98.

82 Stat. 477,
498.
82 Stat. 526.

75 Stat. 309.
7 USC 1929.
75 Stat. 187.
42 USC 1484.

58 Stat. 742.

63 Stat. 434.
42 USC 1474.

61 Stat. 584.
31 USC 849.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to public nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), \$2,500,000, to remain available until expended.

MUTUAL AND SELF-HELP HOUSING

For grants pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$2,125,000, to remain available until expended.

SELF-HELP HOUSING LAND DEVELOPMENT FUND

For direct loans pursuant to section 523(b)(1)(B) of the Housing Act of 1949 (42 U.S.C. 1490c) and related advances, \$1,000,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921-1991), as amended, title V of the Housing Act of 1949, as amended (42 U.S.C. 1471-1490c), the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440-444), and for carrying out the responsibilities of the Secretary of Agriculture under sections 235 and 236 of the National Housing Act, as amended (12 U.S.C. 1715z-1715z-1), and section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), \$66,250,000, together with not more than \$2,250,000 of the charges collected in connection with the insurance of loans as authorized by section 309(e) of the Consolidated Farmers Home Administration Act of 1961, as amended, and section 514(b)(3) of the Housing Act of 1949, as amended: *Provided*, That, in addition, not to exceed \$500,000 of the funds available for the various programs administered by this agency may be transferred to this appropriation for temporary field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) to meet unusual or heavy work loan increases: *Provided further*, That no part of any funds in this paragraph may be used to administer a program which makes rural housing grants pursuant to section 504 of the Housing Act of 1949, as amended.

TITLE III—CORPORATIONS

The following corporations and agencies are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided:

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, \$12,000,000.

FEDERAL CROP INSURANCE CORPORATION FUND

Not to exceed \$1,648,000 of administrative and operating expenses may be paid from premium income.

SUBSCRIPTION TO CAPITAL STOCK

To enable the Secretary of the Treasury to subscribe and pay for capital stock of the Federal Crop Insurance Corporation, as provided in section 504 of the Federal Crop Insurance Act (7 U.S.C. 1504), \$10,000,000.

⁵² Stat. 72;
⁶³ Stat. 665.

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

To reimburse the Commodity Credit Corporation for net realized losses sustained in prior years but not previously reimbursed, pursuant to the Act of August 17, 1961 (15 U.S.C. 713a-11, 713a-12), in the following amounts: fiscal year 1961, \$57,047,170; fiscal year 1967, \$2,210,668,971; fiscal year 1968, \$2,948,217,859; in total, \$5,215,934,000: *Provided*, That no funds appropriated by this Act shall be used to formulate or administer programs for the sale of agricultural commodities pursuant to title I of Public Law 480, 83d Congress, as amended, to any nation which sells or furnishes or which permits ships or aircraft under its registry to transport to North Vietnam any equipment, materials or commodities, so long as North Vietnam is governed by a Communist regime.

⁷⁵ Stat. 391.

Assistance to
North Vietnam.

⁸⁰ Stat. 1526.
7 USC 1701-
1710.

LIMITATION ON ADMINISTRATIVE EXPENSES

Nothing in this Act shall be so construed as to prevent the Commodity Credit Corporation from carrying out any activity or any program authorized by law: *Provided*, That not to exceed \$32,000,000 shall be available for administrative expenses of the Corporation: *Provided further*, That \$945,000 of this authorization shall be available only to expand and strengthen the sales program of the Corporation pursuant to authority contained in the Corporation's charter: *Provided further*, That not less than 7 per centum of this authorization shall be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That all necessary expenses (including legal and special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or in which it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof.

31 USC 665.

PUBLIC LAW 480

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1701-1710, 1721-1725, 1731-1736d), to

⁸⁰ Stat. 1526.

80 Stat. 1534.
7 USC 1721-
1725.

70 Stat. 200.

remain available until expended, as follows: (1) sale of agricultural commodities for foreign currencies and for dollars on credit terms pursuant to title I of said Act, \$420,000,000; and (2) commodities disposed of and other costs incurred in connection with donations abroad, pursuant to title II of said Act, \$500,000,000.

BARTERED MATERIALS FOR SUPPLEMENTAL STOCKPILE

For unrecovered prior years' costs related to strategic and other materials acquired as a result of barter or exchange of agricultural commodities or products and transferred to the supplemental stockpile pursuant to the Act of May 28, 1956, as amended (7 U.S.C. 1856), \$1,250,000, to remain available until expended.

TITLE IV—RELATED AGENCIES

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$3,628,000 (from assessments collected from farm credit agencies) shall be obligated during the current fiscal year for administrative expenses.

TITLE V—GENERAL PROVISIONS

Passenger
motor vehicles.

SEC. 501. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed five hundred and fifty-two (552) passenger motor vehicles, of which four hundred and sixty-eight (468) shall be for replacement only, and for the hire of such vehicles.

Employment of
aliens.

SEC. 502. Provisions of law prohibiting or restricting the employment of aliens shall not apply to employment under the appropriation for the Foreign Agricultural Service.

Uniforms,
allowances.
80 Stat. 508;
81 Stat. 206.
Cotton prices,
prediction.

SEC. 503. Funds available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

Twine.

SEC. 504. No part of the funds appropriated by this Act shall be used for the payment of any officer or employee of the Department who, as such officer or employee, or on behalf of the Department or any division, commission, or bureau thereof, issues, or causes to be issued, any prediction, oral or written, or forecast, except as to damage threatened or caused by insects and pests, with respect to future prices of cotton or the trend of same.

Contracting
funds.

60 Stat. 1082;
68 Stat. 574;
72 Stat. 1793.

SEC. 505. Except to provide materials required in or incident to research or experimental work where no suitable domestic product is available, no part of the funds appropriated by this Act shall be expended in the purchase of twine manufactured from commodities or materials produced outside of the United States.

SEC. 506. Not less than \$1,500,000 of the appropriations of the Department for research and service work authorized by the Acts of August 14, 1946, July 28, 1954, and September 6, 1958 (7 U.S.C. 427, 1621-1629; 42 U.S.C. 1891-1893), shall be available for contracting in accordance with said Acts.

SEC. 507. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 508. None of the funds in this Act shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under sec. 214 of the Independent Offices Appropriation Act, 1946 (31 U.S.C. 691) which do not have prior and specific Congressional approval of such method of financial support.

Interdepart-
mental groups,
expenses.

59 Stat. 134.

SEC. 509. No part of the funds appropriated under this Act shall be used to pay salaries of any Federal employee who is convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

Payments to
convicted
rioters,
prohibition.

SEC. 510. Positions in the agencies covered by this Act, whether financed from funds contained in this Act or from other sources, may be filled during the fiscal year 1970 without regard to the provisions of section 201 of Public Law 90-364, and such positions shall not be taken into consideration in determining numbers of employees under subsection (a) of that section or numbers of vacancies under subsection (b) of that section.

Ante, p. 83.

This Act may be cited as the "Department of Agriculture and Related Agencies Appropriation Act, 1970".

Short title.

Approved November 26, 1969.

Public Law 91-128

AN ACT

To provide an extension of the interest equalization tax, and for other purposes.

November 26, 1969
[H. R. 12829]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Interest
Equalization
Tax Extension
Act of 1969.

SECTION 1. SHORT TITLE, ETC.

(a) **SHORT TITLE.**—This Act may be cited as the "Interest Equalization Tax Extension Act of 1969".

68A Stat. 3.
26 USC 1 et
seq.

78 Stat. 809;
Ante, p. 105.

(b) **AMENDMENT OF 1954 CODE.**—Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference is to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. EXTENSION OF INTEREST EQUALIZATION TAX.

Section 4911(d) is amended, effective with respect to acquisitions made after September 30, 1969, by striking out "September 30, 1969" and inserting in lieu thereof "March 31, 1971".

81 Stat. 146.
26 USC 4911.

78 Stat. 831.

81 Stat. 146.

78 Stat. 810.

SEC. 3. MODIFICATION OF TAX RATES BY EXECUTIVE ORDER.

(a) **MODIFICATIONS PROVIDING LOWER RATES FOR ORIGINAL OR NEW ISSUES.**—Section 4911(b)(2)(A) is amended to read as follows:

“(A) **IN GENERAL.**—If the President of the United States determines that the rates of tax imposed by paragraph (1), or provided in any prior Executive order issued pursuant to this paragraph, are lower or higher than the rates of tax necessary to limit the total acquisitions by United States persons of stock of foreign issuers and debt obligations of foreign obligors within a range consistent with the balance-of-payments objectives of the United States (including achieving a minimum reliance on the tax), he may by Executive order (effective as provided in subparagraph (C)(ii)) increase or decrease such rates of tax. To the extent specified in such Executive order, the rates applicable to acquisitions of stock or debt obligations which are part of an original or new issue may be lower than the rates applicable to acquisitions of stock or debt obligations which are not part of an original or new issue. An Executive order which has the effect of establishing lower rates for original or new issues may be applicable to all original or new issues or to any aggregate amount or classification thereof and to acquisitions occurring during such period of time as may be stated therein, and may provide for other limitations and implementing procedures. In determining whether stock or a debt obligation shall be treated as part of an ‘original or new issue’ for purposes of this subparagraph, the provisions of section 4917(c) shall apply.”

(b) **TECHNICAL AMENDMENT.**—Section 4911(b)(2)(C)(i) is amended by striking out “Each increase” and inserting in lieu thereof “Subject to the authorization to establish lower rates with respect to acquisitions of stock or debt obligations which are part of an original or new issue, each increase”.

SEC. 4. OTHER AMENDMENTS.

(a) **TRANSFERS TO FOREIGN TRUSTS.**—

(1) Section 4912(b)(1) is amended to read as follows:

“(1) **CERTAIN TRANSFERS TO FOREIGN TRUSTS.**—

“(A) **EXTENT OF TAX LIABILITY.**—Any transfer (other than in a sale or exchange for full and adequate consideration) of

money or other property to a foreign trust shall, if such trust acquires stock or debt obligations (of one or more foreign issuers or obligors) the direct acquisition of which by the transferor would be subject to the tax imposed by section 4911, be deemed an acquisition by the transferor (as of the time of such transfer) of stock of a foreign issuer in an amount equal to the actual value of the money or property transferred or, if less, the actual value of the stock or debt obligations so acquired by such trust. Contributions made by an employer to a foreign pension or profit-sharing trust established by such employer for the exclusive benefit of employees (who are not owner-employees as defined in section 401(c)(3)) who perform personal services for such employer on a full-time basis in a foreign country, and contributions to a foreign pension or profit-sharing trust established by an employer, made by an employee who performs personal services for such employer on a full-time basis in a foreign country (and is not an owner-employee as defined in section 401(c)(3)), shall not be considered under the preceding sentence as transfers which may be deemed acquisitions of stock of a foreign issuer.

78 Stat. 809;
81 Stat. 145.
26 USC 4911.

76 Stat. 812.
26 USC 401.

“(B) PRESUMPTION OF ACQUISITION OF FOREIGN SECURITIES.—Whenever money or other property is transferred to a foreign trust in the manner described in the first sentence of subparagraph (A), it shall be presumed, with respect to the calendar quarter in which the transfer took place and each succeeding calendar quarter beginning prior to the termination date specified in section 4911(d), that such trust subsequently acquired stock or debt obligations the direct acquisition of which by the transferor would be subject to the tax imposed by section 4911, in an amount equal to the actual value of the money or other property transferred. The transferor may rebut this presumption with respect to each such calendar quarter by submitting, on or before the 30th day following the close of such quarter, documents or other proof which will establish to the satisfaction of the Secretary or his delegate that, during such quarter, liability for such tax has not been incurred or any liability which has been incurred has been paid.”

Ante, p. 261.

(2) The amendment made by paragraph (1) of this subsection shall apply with respect to transfers made after June 9, 1969.

Effective date.

(b) FOREIGN MINERAL FACILITIES.—

(1) Section 4914(c)(5)(B) is amended by adding at the end thereof the following new sentence: “If the proceeds of the loan by such United States person constitute only a part of the cost of the installation, maintenance, or improvement of such facilities, the substantial portion requirement in the preceding sentence shall be satisfied if the percentage of the total capacity of such facilities which will be used in connection with ores or minerals (or derivatives thereof) extracted or obtained in the specified manner is more than one-half of the percentage of the cost of such facilities represented by the amount of such loan and in no event is less than 10 percent of such total capacity.”

78 Stat. 817;
81 Stat. 158.

(2) The amendment made by paragraph (1) of this subsection shall apply with respect to acquisitions made after the date of the enactment of this Act.

Effective date.

(c) TRANSFERS OF EXPORT CREDIT PAPER.—

(1) Section 4914(j)(1)(A) is amended by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively, and by inserting after clause (ii) the following new clause:

“(iii) to an includible corporation in an affiliated group (as defined in section 48(c)(3)(C)) of which such person is a member;”.

(2) Section 4914(c)(7) is amended by striking out “(j)(1)(A)(iii)” and inserting in lieu thereof “(j)(1)(A)(iv)”.

(3) The amendments made by this subsection shall apply with respect to subsequent transfers (within the meaning of section 4914(j)(1)(A) of the Internal Revenue Code of 1954) occurring after the date of the enactment of this Act.

(d) DEALER RESALE EXEMPTION.—

(1) Section 4919(c) is amended by striking out “and” at the end of paragraph (1), by striking out the period at the end of paragraph (2) and inserting in lieu thereof “; and”, and by adding at the end thereof the following new paragraph:

“(3) the term ‘persons other than United States persons’ includes any foreign branch whose acquisition of stock or a debt obligation of a foreign issuer or obligor from an underwriter or dealer is excluded from the tax imposed by section 4911 by reason of the last sentence of section 4914(b)(2)(B), but only with respect to the acquisition of stock or debt obligations to which such exclusion applies.”

(2) The amendments made by paragraph (1) of this subsection shall apply with respect to acquisitions made by foreign branches after the date of the enactment of this Act.

(e) CERTAIN FINANCING COMPANIES.—

(1) Section 4920(a)(3B) is amended to read as follows:

“(3B) CERTAIN DOMESTIC FINANCING COMPANIES.—The terms ‘foreign issuer’, ‘foreign obligor’, and ‘foreign issuer or obligor’ also mean a domestic corporation to the extent provided in subsection (d).”

(2) Section 4920 is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new section:

“(d) CERTAIN DOMESTIC FINANCING COMPANIES.—For purposes of this chapter, the terms ‘foreign issuer’, ‘foreign obligor’, and ‘foreign issuer or obligor’ include a domestic corporation if—

“(1) such corporation is exclusively engaged in the trade or business of—

“(A) acquiring, servicing, or acquiring and servicing—

“(i) debt obligations arising out of the sale of tangible personal property produced, manufactured, assembled, or extracted by one or more includible corporations in an affiliated group (as defined in section 48(c)(3)(C)) of which such corporation is a member,

“(ii) debt obligations arising out of the sale of tangible personal property received as part or all of the consideration in sales of property described in clause (i),

“(iii) debt obligations arising out of the sale of tangible personal property received as part or all of the consideration in sales of property described in clause (ii),

“(iv) debt obligations arising out of the sale or lease of tangible personal property or the performance of

78 Stat. 823.
26 USC 4914.

76 Stat. 969.

81 Stat. 158.

Effective date.

78 Stat. 835.

78 Stat. 809;
81 Stat. 145.
78 Stat. 814;
79 Stat. 958.

Effective date.

81 Stat. 161.

78 Stat. 839;
79 Stat. 963.

services (or both), if not less than 85 percent of the purchase price is attributable to the sale (or not less than 85 percent of the value of the property subject to the lease is attributable to the use) of property manufactured, produced, grown, or extracted in the United States or the performance of services by any United States person (or both),

“(v) debt obligations arising out of loans to dealers or distributors primarily engaged in the business of selling property described in clauses (i), (ii), and (iii), the proceeds of which are used by such dealers or distributors in such business,

“(vi) debt obligations arising out of loans to an includible corporation in an affiliated group (as defined in section 48(c)(3)(C)) of which such corporation is a member, if such obligations are secured by debt obligations described in clauses (i) through (v), or

“(vii) any combination of the foregoing,

“(B) acquiring, servicing, or acquiring and servicing debt obligations otherwise arising out of sales of tangible personal property,

“(C) carrying on other incidental activities in connection with its sales finance business, or

“(D) any combination of the foregoing,

“(2) except for debt obligations arising out of deposits in commercial banks having at the time of the deposit a period remaining to maturity of less than one year, and debt obligations of one or more includible corporations in an affiliated group (as defined in section 48(c)(3)(C)) of which such corporation is a member acquired as payment for stock, or as a contribution to the capital, of such corporation—

“(A) at least 90 percent of the face value of the debt obligations owned by such corporation at all times during the taxable year consists of debt obligations described in paragraph (1)(A), and

“(B) all debt obligations owned by such corporation at all times during the taxable year are debt obligations described in paragraph (1)(A) or (1)(B), or are debt obligations acquired in carrying on the trade or business described in paragraph (1),

“(3) all debt obligations acquired by such corporation (whether or not described in paragraph (1)) are acquired solely out of—

“(A) the proceeds of the sale (including a sale in a transaction described in section 4919(a)(1)) by such corporation (or by a domestic corporation described in section 4912(b)(3) which owns all of the stock of such corporation) of debt obligations of such corporation (or such other domestic corporation) to persons other than—

“(i) a United States person (not including a foreign branch of a domestic corporation or of a domestic partnership, if such branch is engaged in the commercial banking business and acquires such debt obligations in the ordinary course of such commercial banking business),

“(ii) a foreign partnership in which such corporation (or one or more includible corporations in an affiliated group, as defined in section 1504, of which such corpora-

76 Stat. 969.
26 USC 48.

78 Stat. 833.

78 Stat. 811.

68A Stat. 369.

78 Stat. 824.
26 USC 4915.

68A Stat. 369.

76 Stat. 969.

78 Stat. 809;
81 Stat. 145.

tion is a member) owns directly or indirectly (within the meaning of section 4915(a)(1)) 10 percent or more of the profits interest, or

“(iii) a foreign corporation, if such corporation (or one or more includible corporations in an affiliated group, as defined in section 1504, of which such corporation is a member) owns directly or indirectly (within the meaning of section 4915(a)(1)) 10 percent or more of the total combined voting power of all classes of stock of such foreign corporation, except to the extent such foreign corporation has, after having given advance notice to the Secretary or his delegate, sold its debt obligations to persons other than persons described in clauses (i) and (ii) and this clause and is using the proceeds of the sale of such debt obligations to acquire the debt obligations of such corporation (or such other domestic corporation),

“(B) the proceeds of payment for stock, or a contribution to the capital of such corporation, if the payment or contribution was derived from the sale of debt obligations by one or more includible corporations in an affiliated group (as defined in section 48(c)(3)(C)) of which such corporation is a member to persons other than persons described in clauses (i), (ii), and (iii) of subparagraph (A) and such debt obligations, if acquired by United States persons, would be subject to the tax imposed by section 4911,

“(C) retained earnings and reserves of such corporation, or

“(D) trade accounts and accrued liabilities which are payable by such corporation within 1 year (3 years in the case of tax liabilities) from the date they were incurred or accrued, and which arise in the ordinary course of the trade or business of the corporation otherwise than from borrowing,

“(4) such corporation does not acquire any stock of foreign issuers or of domestic corporations or domestic partnerships other than stock of one or more includible corporations in an affiliated group (as defined in section 48(c)(3)(C)) of which such corporation is a member acquired as payment for stock, or as a contribution to capital, of such corporation,

“(5) such corporation, in a manner satisfactory to the Secretary or his delegate, identifies the certificates representing its stock and debt obligations, and maintains such records and accounts and submits such reports and other documents as may be necessary to establish that the requirements of the foregoing paragraphs have been met, and

“(6) such corporation elects to be treated as a foreign issuer or obligor for purposes of this chapter.

The election under paragraph (6) shall be made, under regulations prescribed by the Secretary or his delegate, on or before the 60th day after the organization of the corporation or the 60th day after the date of the enactment of the Interest Equalization Tax Extension Act of 1969, whichever day is the later. Any such election shall be effective as of the date thereof and shall remain in effect until revoked. If, at any time, the corporation ceases to meet any requirement of paragraph (1), (2), (3), (4), or (5), the election shall thereupon be deemed revoked. When an election is revoked, no further election may be made.

If an election is revoked, the corporation shall incur liability at the time of such revocation for the tax imposed by section 4911 with respect to all stock or debt obligations which were acquired by it during the period for which the election was in effect and which are held by it at the time of such revocation; and the amount of such tax shall be equal to the amount of tax for which the corporation would be liable under such section if it had acquired such stock or debt obligations immediately after such revocation. For purposes of sections 4912 and 4915, a corporation which has made an election under paragraph (6) shall, during the period for which such election is in effect, be treated with respect to acquisitions from such corporation as a foreign corporation which is not formed or availed of for the principal purpose described in section 4915(c)(1)."

78 Stat. 809;
81 Stat. 145.
26 USC 4911.

78 Stat. 810.

78 Stat. 826.
81 Stat. 163.

(3) Section 4915(c)(3) is amended to read as follows:

"(3) FOREIGN FINANCING COMPANY.—A foreign corporation—

"(A) 50 percent or more of the voting power of all classes of stock of which is owned directly or indirectly (within the meaning of subsection (a)) by a domestic corporation (or by one or more includible corporations in an affiliated group, as defined in section 48(c)(3)(C), of which such domestic corporation is a member),

"(B) which, if it were a domestic corporation, would be eligible to make an election under section 4920(d), and

"(C) gives notice to the Secretary or his delegate within the period for making an election under such section,

shall, during the period after the date of such notice during which it would, if it were a domestic corporation, meet the requirements of paragraphs (1), (2), (3), (4), and (5) of section 4920(d), be treated as not formed or availed of for the principal purpose described in paragraph (1) of this subsection. If such corporation ceases to meet such requirements, such corporation shall be treated as having been availed of for the principal purpose described in paragraph (1) of this subsection at the time of such cessation."

(4) The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(f) TRANSACTION TAX RETURNS.—Section 6011(d)(1)(B) is amended by inserting after "subparagraph (A)" the following: "(unless such disposition is made under circumstances which entitle such person to a credit under the provisions of section 4919)".

(g) REPORTING REQUIREMENTS OF NONPARTICIPATING FIRMS.—Section 6011(d)(3) is amended to read as follows:

"(3) REPORTING REQUIREMENTS FOR CERTAIN MEMBERS OF EXCHANGES AND ASSOCIATIONS.—Every member or member organization of a national securities exchange or of a national securities association registered with the Securities and Exchange Commission, which is not subject to the provisions of section 4918(c), shall keep such records and file such information as the Secretary or his delegate may by forms or regulations prescribe in connection with acquisitions and sales effected by such member or member organization, as a broker or for his own account, of stock of a foreign issuer or debt obligations of a foreign obligor—

"(A) with respect to which a validation certificate described in section 4918(b)(1)(A) has been received by such member or member organization; or

"(B) with respect to which an acquiring United States person is subject to the tax imposed by section 4911."

76 Stat. 969.

Ante, p. 264.

Effective date.

81 Stat. 155.

78 Stat. 833.

78 Stat. 844.

81 Stat. 149.

81 Stat. 149.

(h) FAILURE OF NONPARTICIPATING FIRMS TO FILE CERTAIN INFORMATION RETURNS.—

(1) Section 6680 is amended to read as follows:

"SEC 6680. FAILURE TO FILE INTEREST EQUALIZATION TAX RETURNS.

"In addition to the penalty imposed by section 7203 (relating to willful failure to file return, supply information, or pay tax)—

(1) RETURN REQUIRED UNDER SECTION 6011(d)(1).—Any person who is required under section 6011(d)(1) (relating to interest equalization tax returns) to file a return for any period in respect of which, by reason of the provisions of section 4918, he incurs no liability for payment of the tax imposed by section 4911 and who fails to file such return within the time prescribed by section 6076, shall pay a penalty of \$10 or 5 percent of the amount of tax for which he would incur liability for payment under section 4911 but for the provisions of section 4918, whichever is the greater, for each such failure unless it is shown that the failure is due to reasonable cause. The penalty imposed by this paragraph shall not exceed \$1,000 for each failure to file a return.

(2) RETURN REQUIRED UNDER SECTION 6011(d)(3).—Any person required to file a return under section 6011(d)(3) who fails to file such return at the time prescribed by the Secretary or his delegate, or who files a return which does not show the information required, shall pay a penalty of \$1,000, unless it is shown that such failure is due to reasonable cause."

(2) The amendment made by paragraph (1) of this subsection shall apply with respect to returns required to be filed after the date of the enactment of this Act.

(i) CERTAIN LEASE TRANSACTIONS.—

(1) Section 4914(c)(6) (relating to certain export leases) is amended—

(A) by inserting "tangible" before "personal property" in the matter preceding subparagraph (A),

(B) by inserting "(i)" after "(A)", by striking out "(B)" and inserting in lieu thereof "(ii)", and by striking out the period at the end of such section and inserting in lieu thereof "; or", and

(C) by adding at the end of such section the following new subparagraph:

"(B)(i) payment of such debt obligation (or of any related debt obligation arising out of such lease) is guaranteed or insured, in whole or in part, by an agency or wholly owned instrumentality of the United States, or

"(ii) the lease is entered into with such foreign obligor and the United States person acquiring such debt obligation enters into the lease in the ordinary course of his trade or business and not less than 85 percent of the value of the property subject to the lease is attributable to the use of tangible personal property which was manufactured, produced, grown, or extracted in the United States, or to the performance of services pursuant to the terms of the lease by such United States person (or by one or more includible corporations in an affiliated group, as defined in section 1504, of which such person is a member) with respect to such personal property, or to both."

(2) Section 4914(j) (relating to loss of entitlement to exclusion) is amended by striking "or (6)" each place it appears

78 Stat. 845.
26 USC 6680.

68A Stat. 851.

81 Stat. 154.

81 Stat. 148.
78 Stat. 809;
81 Stat. 145.
81 Stat. 155.

Ante, p. 267.

Effective date.

79 Stat. 956.

78 Stat. 823.

therein and inserting in lieu thereof "(6)(A), or (6)(B)(ii)".

(3) Section 4920(a)(1)(A) (relating to definition of debt obligation) is amended by adding at the end thereof the following new sentence:

"For purposes of the preceding sentence, the term 'indebtedness' includes obligations arising under a lease which is entered into principally as a financing transaction."

(4) The amendments made by this section shall apply with respect to acquisitions of debt obligations made after the date of the enactment of this Act.

SEC. 5. AMMUNITION RECORDKEEPING REQUIREMENTS.

Section 4182 (relating to exemptions from tax on certain firearms and ammunition) is amended by adding at the end thereof the following new subsection:

"(c) RECORDS.—Notwithstanding the provisions of sections 922(b) (5) and 923(g) of title 18, United States Code, no person holding a Federal license under chapter 44 of title 18, United States Code, shall be required to record the name, address, or other information about the purchaser of shotgun ammunition, ammunition suitable for use only in rifles generally available in commerce, or component parts for the aforesaid types of ammunition."

Approved November 26, 1969.

78 Stat. 835.
26 USC 4920.

Effective date.

68A Stat. 490.

82 Stat. 1214.
18 USC 921-
928.

Public Law 91-129

AN ACT To establish a Commission on Government Procurement.

November 26, 1969
[H. R. 474]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF POLICY

Commission on
Government Pro-
curement.
Establishment.

SECTION 1. It is hereby declared to be the policy of Congress to promote economy, efficiency, and effectiveness in the procurement of goods, services and facilities by and for the executive branch of the Federal Government by—

(1) establishing policies, procedures, and practices which will require the Government to acquire goods, services, and facilities of the requisite quality and within the time needed at the lowest reasonable cost, utilizing competitive bidding to the maximum extent practicable;

(2) improving the quality, efficiency, economy, and performance of Government procurement organizations and personnel;

(3) avoiding or eliminating unnecessary overlapping or duplication of procurement and related activities;

(4) avoiding or eliminating unnecessary or redundant requirements placed on contractor and Federal procurement officials;

(5) identifying gaps, omissions, or inconsistencies in procurement laws, regulations, and directives and in other laws, regulations, and directives, relating to or affecting procurement;

(6) achieving greater uniformity and simplicity whenever appropriate, in procurement procedures;

(7) coordinating procurement policies and programs of the several departments and agencies;

(8) conforming procurement policies and programs, whenever appropriate, to other established Government policies and programs;

- (9) minimizing possible disruptive effects of Government procurement on particular industries, areas, or occupations;
- (10) improving understanding of Government procurement laws and policies within the Government and by organizations and individuals doing business with the Government;
- (11) promoting fair dealing and equitable relationships among the parties in Government contracting; and
- (12) otherwise promoting economy, efficiency, and effectiveness in Government procurement organizations and operations.

ESTABLISHMENT OF THE COMMISSION

SEC. 2. To accomplish the policy set forth in section 1 of this Act, there is hereby established a commission to be known as the Commission on Government Procurement (in this Act referred to as the "Commission").

MEMBERSHIP OF THE COMMISSION

SEC. 3. (a) The Commission shall be composed of twelve members, consisting of (1) three members appointed by the President of the Senate, two from the Senate (who shall not be members of the same political party), and one from outside the Federal Government, (2) three members appointed by the Speaker of the House of Representatives, two from the House of Representatives (who shall not be members of the same political party), and one from outside the Federal Government, (3) five members appointed by the President of the United States, two from the executive branch of the Government and three from outside the Federal Government, and (4) the Comptroller General of the United States.

Appointment by
President.

(b) The Commission shall select a Chairman and a Vice Chairman from among its members.

Quorum.
Vacancies.

(c) Seven members of the Commission shall constitute a quorum.

(d) Any vacancies in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

DUTIES OF THE COMMISSION

Study of pro-
curement pro-
cedures.

SEC. 4. (a) The Commission shall study and investigate the present statutes affecting Government procurement; the procurement policies, rules, regulations, procedures, and practices followed by the departments, bureaus, agencies, boards, commissions, offices, independent establishments, and instrumentalities of the executive branch of the Federal Government; and the organizations by which procurement is accomplished to determine to what extent these facilitate the policy set forth in the first section of this Act.

Report to
Congress.

(b) Within two years from the date of enactment of this Act, the Commission shall make a final report to the Congress of its findings and of its recommendations for changes in statutes, regulations, policies, and procedures designed to carry out the policy stated in section 1 of this Act. In the event the Congress is not in session at the end of such two-year period, the final report shall be submitted to the Clerk of the House and the Secretary of the Senate. The Commission may also make such interim reports as it deems advisable.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 5. (a) Members of the Commission who are Members of Congress or who are officers or employees of the executive branch of the Federal Government, and the Comptroller General, shall receive no compensation for their services as members of the Commission, but shall be allowed necessary travel expenses (or in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistence not to exceed the rates prescribed in sections 5702 and 5704 of title 5, United States Code), and other necessary expenses incurred by them in the performance of duties vested in the Commission, without regard to the provisions of subchapter I, chapter 57 of title 5, United States Code, the Standardized Government Travel Regulations, or section 5731 of title 5, United States Code.

Travel expenses, etc.

80 Stat. 498;
Ante, p. 190.

5 USC 5701-
5708.

Travel expenses, etc.

(b) The members of the Commission appointed from outside the Federal Government shall each receive compensation at the rate of \$100 for each day such member is engaged in the actual performance of duties vested in the Commission in addition to reimbursement for travel, subsistence, and other necessary expenses in accordance with the provisions of the foregoing subsection.

POWERS OF THE COMMISSION

SEC. 6. (a) (1) The Commission, or at its direction any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such subcommittee or member. Subpenas may be issued under the signature of the Chairman or Vice Chairman and may be served by any person designated by the Chairman or the Vice Chairman.

Hearings.

(2) In the case of contumacy or refusal to obey a subpena issued under paragraph (1) of this subsection by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such court, upon application made by the Attorney General of the United States, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee or member thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey any such order of the court may be punished by the court as a contempt thereof.

Court orders.

(b) The Commission is authorized to acquire directly from the head of any Federal department or agency information deemed useful in the discharge of its duties. All departments and agencies of the Government are hereby authorized and directed to cooperate with the Commission and to furnish all information requested by the Commission to the extent permitted by law. All such requests shall be made by or in the name of the Chairman or Vice Chairman of the Commission.

Cooperation of
Federal agencies.

(c) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable without regard to the provisions of title 5, United States Code, governing appointments in

Compensation of
personnel.

80 Stat. 443,
467.
5 USC 5101,
5331, 5332 note.

80 Stat. 416.

Contract
authority.

the competitive service, and such personnel may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no individual shall receive compensation at a rate in excess of the maximum rate authorized by the General Schedule. In addition, the Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates for individuals not in excess of \$100 per diem.

(d) The Commission is authorized to negotiate and enter into contracts with private organizations and educational institutions to carry out such studies and prepare such reports as the Commission determines are necessary in order to carry out its duties.

GOVERNMENT DEPARTMENTS AND AGENCIES AUTHORIZED TO AID COMMISSION

SEC. 7. Any department or agency of the Government is authorized to provide for the Commission such services as the Commission requests on such basis, reimbursable or otherwise, as may be agreed between the department or agency and the Chairman or Vice Chairman. All such requests shall be made by or in the name of the Chairman or Vice Chairman of the Commission.

TERMINATION OF THE COMMISSION

SEC. 8. One hundred and twenty days after the submission of the final report provided for in section 4 of this Act, the Commission shall cease to exist.

Ante, p. 270.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of this Act.

Approved November 26, 1969.

Public Law 91-130

December 1, 1969
[H. R. 14020]

AN ACT

To amend the Second Liberty Bond Act to increase the maximum interest rate permitted on United States savings bonds.

U.S. savings
bonds.
Interest rate,
increase.
71 Stat. 15.

Repeal.
73 Stat. 621.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso in the second sentence of section 22(b)(1) of the Second Liberty Bond Act, as amended (31 U.S.C. 757c(b)(1)), is amended by striking out "3.26 per centum" and inserting in lieu thereof "5 per centum".

SEC. 2. (a) Section 25 of the Second Liberty Bond Act (31 U.S.C., sec. 757e-1) is hereby repealed.

(b) Section 22(b)(2) of such Act (31 U.S.C., 757c(b)(2)) is amended by striking out "(subject to section 25)" each place it appears therein.

Sec. 3. The authority granted by the amendment made by the first section of this Act may be exercised with respect to United States savings bonds bearing issue dates of June 1, 1969, or thereafter. Such authority may also be exercised with respect to United States savings

bonds issued before June 1, 1969, but in no case shall the interest rate or investment yield on any bond be changed pursuant to such authority for any period which begins before June 1, 1969. For purposes of section 22(b)(2)(A) of the Second Liberty Bond Act and for purposes of section 454(c) of the Internal Revenue Code of 1954, the United States savings notes known as freedom shares issued not later than one year after the date of the enactment of this Act in connection with the issuance of United States series E bonds shall be treated in the same manner as such bonds.

73 Stat. 621.
26 USC 454.

Approved December 1, 1969.

Public Law 91-131

AN ACT
To authorize appropriations to carry out the Standard Reference Data Act.

December 1, 1969
[H. R. 4284]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are hereby authorized to be appropriated to the Department of Commerce such sums as may be necessary for the fiscal years 1970 and 1971, but not to exceed a total of \$6,000,000, to carry out the purposes of the Standard Reference Data Act (Public Law 90-396; 82 Stat. 339).

Appropriation.

15 USC 290
note.

Approved December 1, 1969.

Public Law 91-132

AN ACT
To provide for the establishment of the William Howard Taft National Historic Site.

December 2, 1969
[H. R. 7066]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve in public ownership historically significant properties associated with the life of William Howard Taft, the Secretary of the Interior is authorized to acquire, by donation or purchase with donated funds, such land and interests in land, together with buildings and improvements thereon and including scenic easements, at or in the vicinity of Auburn Avenue, Cincinnati, Ohio, as are depicted on the drawing entitled "William Howard Taft National Historic Site Boundary Map," numbered TAHO-20009, and dated August 1969. The drawing shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. When acquired such site shall be known as the William Howard Taft National Historic Site.

William Howard
Taft National
Historic Site,
Ohio.
Establishment.

SEC. 2. The administration, development, preservation, and maintenance of the William Howard Taft National Historic Site shall be exercised by the Secretary of the Interior in accordance with the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916, as amended (16 U.S.C. 1 et seq.), and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

Administration.

39 Stat. 535.

SEC. 3. There are hereby authorized to be appropriated not to exceed \$318,000 to provide for the restoration and development of the William Howard Taft National Historic Site.

49 Stat. 666.
Appropriation.

Approved December 2, 1969.

Public Law 91-133

December 2, 1969
[S. J. Res. 26]

Eisenhower
National Historic
Site, Pa.
Appropriation.

Boundary
change.

JOINT RESOLUTION

To provide for the development of the Eisenhower National Historic Site at Gettysburg, Pennsylvania, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there are hereby authorized to be appropriated not more than \$1,081,000 for the development of the Eisenhower National Historic Site at Gettysburg, Pennsylvania, which may not be expended for the construction of major capital improvements as long as the special use permit issued to Mamie Doud Eisenhower by the National Park Service, United States Department of the Interior, on June 3, 1969, remains in effect.

SEC. 2. There are hereby excluded from the boundaries of Gettysburg National Military Park, and included within the boundaries of the Eisenhower National Historic Site, the lands and interests therein identified as "Additions to Eisenhower NHS" on the drawing entitled "Proposed Additions to Eisenhower National Historic Site", numbered EISE-20000 and dated June 1969, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

Approved December 2, 1969.

Public Law 91-134

December 2, 1969
[S. 2000]

Lyndon B.
Johnson National
Historic Site, Tex.
Establishment.

Administration.

Appropriation.

AN ACT
To establish the Lyndon B. Johnson National Historic Site.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve in public ownership historically significant properties associated with the life of Lyndon B. Johnson, the Secretary of the Interior is authorized to acquire, by donation or by purchase with donated funds, such lands and interests in lands, together with the buildings and improvements thereon, at or in the vicinity of Johnson City, Texas, as are depicted on the drawing entitled "Lyndon B. Johnson National Historic Site Boundary Map", numbered NHS-LBJ-20,000 and dated September 1969, together with such lands as from time to time may be donated for addition to the site and such lands as he shall deem necessary to provide adequate public parking for visitors at a suitable location. The drawing shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. When acquired such site shall be known as the Lyndon B. Johnson National Historic Site.

SEC. 2. The Secretary shall administer the Lyndon B. Johnson National Historic Site in accordance with the Act approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, and the Act approved August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), as amended.

SEC. 3. There are hereby authorized to be appropriated not more than \$180,000 to provide for the development of the Lyndon B. Johnson National Historic Site.

Approved December 2, 1969.

Public Law 91-135

AN ACT

To prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes.

December 5, 1969
[H. R. 11363]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, for the purposes of sections 2 through 5 of this Act, the term—

(1) "Secretary" means the Secretary of the Interior;

(2) "fish or wildlife" means any wild mammal, fish, wild bird, amphibian, reptile, mollusk, or crustacean, or any part, products, egg, or offspring thereof, or the dead body or parts thereof;

(3) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam; and

(4) "person" means any individual, firm, corporation, association, or partnership.

SEC. 2. Except as provided in section 3 of this Act, whoever imports from any foreign country into the United States any species or subspecies of fish or wildlife which the Secretary has determined, in accordance with the provisions of section 3 of this Act, to be threatened with worldwide extinction, shall be punished in accordance with the provisions of section 4 of this Act.

SEC. 3. (a) A species or subspecies of fish or wildlife shall be deemed to be threatened with worldwide extinction whenever the Secretary determines, based on the best scientific and commercial data available to him and after consultation, in cooperation with the Secretary of State, with the foreign country or countries in which such fish or wildlife are normally found and, to the extent practicable, with interested persons and organizations and other interested Federal agencies, that the continued existence of such species or subspecies of fish or wildlife is, in the judgment of the Secretary, endangered due to any of the following factors: (1) the destruction, drastic modification, or severe curtailment, or the threatened destruction, drastic modification, or severe curtailment, of its habitat, or (2) its overutilization for commercial or sporting purposes, or (3) the effect on it of disease or predation, or (4) other natural or man-made factors affecting its continued existence. After making such determination, the Secretary shall promulgate and from time to time he may revise, by regulation, a list in the Federal Register of such fish or wildlife by scientific, common, and commercial name or names, together with his determination. The Secretary shall at least once every five years conduct a thorough review of any such list to determine what, if any, changes have occurred relative to the continued existence of the species or subspecies of fish or wildlife then on the list and to determine whether such fish or wildlife continue to be threatened with worldwide extinction. Upon completion of such review, he shall take appropriate action consistent with the purposes of this Act. The Secretary shall, upon the request of any interested person, also conduct such review of any particular listed species or subspecies at any other time if he finds and publishes his finding that such person has presented substantial evidence to warrant such a review.

(b) In order to minimize undue economic hardship to any person importing any species or subspecies of fish or wildlife which are determined to be threatened with worldwide extinction under this section, under any contract entered into prior to the date of publication of such determination in the Federal Register of such species or subspecies, the

Fish or wildlife.
Importation of
endangered spe-
cies, prevention.

Species
threatened with
extinction.
Determination
by Interior Secre-
tary.

Publication in
Federal Regis-
ter.

Economic hard-
ship.
Filing of applica-
tion.

Secretary, upon such person filing an application with him and upon filing such information as the Secretary may require showing, to his satisfaction, such hardship, shall permit such person to import such species or subspecies in such quantities and for such periods, not to exceed one year, as he determines to be appropriate.

Importation for
educational or
scientific pur-
poses.

(c) The Secretary may permit, under such terms and conditions as he may prescribe, the importation of any species or subspecies of fish or wildlife listed in the Federal Register under this section for zoological, educational, and scientific purposes, and for the propagation of such fish or wildlife in captivity for preservation purposes, unless such importation is prohibited by any other Federal law or regulation.

(d) The provisions of section 553 of title 5 of the United States Code shall apply to any regulation issued under this section.

80 Stat. 383.
Violations,
penalty pro-
visions.

SEC. 4. (a)(1) Any person who violates any provision of section 2 or 3 of this Act or any regulation or permit issued thereunder, or any regulation issued under subsection (d) of this section, other than a violation the penalty for which is prescribed by subsection (b) of this section, shall be assessed a civil penalty by the Secretary of not more than \$5,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be compromised by the Secretary. Upon any failure to pay the penalty assessed under this paragraph, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found or resides or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. In hearing such action, the court shall have authority to review the violation and the assessment of the civil penalty de novo.

Hearing notice.

Search and
seizure warrant.

(2) Any employee authorized pursuant to subsection (c) of this section to enforce the provisions of sections 2 and 3 of this Act, and any regulations or permits issued pursuant thereto or pursuant to subsection (d) of this section, shall have authority, in addition to any other authority provided by law relating to search and seizure, to execute any warrant to search for and seize any fish or wildlife or property or items taken, used, or possessed in connection with any violation of any such section, regulation, or permit with respect to which a civil penalty may be assessed pursuant to paragraph (1) of this subsection. Such fish, wildlife, property, or item so seized shall be held by any employee authorized by the Secretary or the Secretary of the Treasury pending disposition of proceedings by the Secretary involving the assessment of a civil penalty pursuant to paragraph (1) of this subsection; except that the Secretary may, in lieu of holding such fish, wildlife, property, or item, permit such person to post a bond or other surety satisfactory to the Secretary. Upon the assessment of a civil penalty pursuant to paragraph (1) of this subsection for any nonwillful violation of any such section, regulation, or permit, such fish, wildlife, property, or item so seized may be proceeded against in any court of competent jurisdiction and forfeited to the Secretary for disposition by him in such manner as he deems appropriate. The owner or consignee of any such fish, wildlife, property, or item so seized shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary or the Secretary of the Treasury. Whenever any fish or wildlife or property or item is seized pursuant to this subsection, the Secretary shall move to dispose of the civil penalty proceedings pursuant to paragraph (1) of this subsection as expeditiously as possible. If, with respect to any such fish, wildlife, property, or item so seized no action is commenced in any court of competent jurisdiction to obtain the

Posting of bond.

Notification
of seizure.

forfeiture of such fish, wildlife, property, or item within thirty days following the disposition of proceedings involving the assessment of a civil penalty, such fish, wildlife, property, or item shall be immediately returned to the owner or the consignee in accordance with regulations promulgated by the Secretary.

(b) Any person who willfully violates any provision of section 2 or 3 of this Act or any regulation or permit issued thereunder or any regulation issued under subsection (d) of this section shall, upon conviction, be fined not more than \$10,000, or imprisoned for not more than one year, or both.

Penalty.

(c) The provisions of sections 2 and 3 of this Act and any regulations or permits issued pursuant thereto or pursuant to subsection (d) of this section shall be enforced by either the Secretary or the Secretary of the Treasury, or both such Secretaries. Either Secretary may utilize, by agreement, the personnel, services, and facilities of any other Federal agency or any State agency. Any employee of the Department of the Interior or the Department of the Treasury authorized by the Secretary or the Secretary of the Treasury may, without a warrant, arrest any person who such employee has probable cause to believe is willfully violating, in his presence or view, any such section, or any regulation or permit issued thereunder, the penalty for which is provided under subsection (b) of this section, and may execute a warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of such sections, regulations or permits. An employee who has made an arrest of a person in connection with any such willful violation may search such person at the time of his arrest and seize any fish or wildlife or property or items taken, used, or possessed in connection with any such violation, or any such employee shall have authority, in addition to any other authority provided by law relating to search and seizure, to execute any warrant to search for and seize any such fish, wildlife, property, or item so taken, used, or possessed. Any fish or wildlife or property or item seized shall be held by any employee authorized by the Secretary or the Secretary of the Treasury or by a United States marshal pending disposition of the case by the court, commissioner, or magistrate, except that the Secretary may, in lieu thereof, permit such person to post a bond or other surety satisfactory to him. Upon conviction, any (1) fish or wildlife seized shall be forfeited to the Secretary for disposal by him in such manner as he deems appropriate, and (2) any other property or items seized may, in the discretion of the court, commissioner, or magistrate, be forfeited to the United States or otherwise disposed of. The owner or consignee of any such fish, wildlife, property, or item so seized, shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary or the Secretary of the Treasury. If no conviction results from any such alleged violation, such fish, wildlife, property or item so seized in connection therewith shall be immediately returned to the owner or consignee in accordance with regulations promulgated by the Secretary, unless the Secretary, within thirty days following the final disposition of the case involving such violation, commences proceedings under subsection (a) of this section.

Enforcement provisions.

Notification of seizure.

Return of property to owner.

U.S. ports of entry; designation by Secretary. Hearing notice.

(d) For the purposes of facilitating enforcement of sections 2 and 3 of this Act and reducing the costs thereof, the Secretary, with the approval of the Secretary of the Treasury, shall, after notice and an opportunity for a public hearing, from time to time designate, by regulation, any port or ports in the United States for the importation of fish and wildlife, other than shellfish and fishery products imported for commercial purposes, into the United States. The importation of

Exceptions.

such fish or wildlife into any port in the United States, except those so designated, shall be prohibited after the effective date of such designations; except that the Secretary, under such terms and conditions as he may prescribe, may permit importation at nondesignated ports for movement to designated ports of entry. Such regulations may provide other exceptions to such prohibition if the Secretary deems it appropriate and consistent with the purposes of this subsection.

Regulations, issuance.**International agreements for fish and wildlife preservation.**

(e) In carrying out the provisions of sections 2 through 5 of this Act, the Secretary may issue such regulations as may be appropriate.

SEC. 5. (a) In carrying out the provisions of sections 2 and 3 of this Act, the Secretary, through the Secretary of State, shall encourage foreign countries to provide protection to species and subspecies of fish or wildlife threatened with worldwide extinction, to take measures to prevent any fish or wildlife from becoming threatened with extinction, and shall cooperate with such countries in providing technical assistance in developing and carrying out programs to provide such protection, and shall, through the Secretary of State, encourage bilateral and multilateral agreements with such countries for the protection, conservation, and propagation of fish or wildlife. The Secretary shall also encourage persons, taking directly or indirectly fish or wildlife in foreign countries for importation into the United States for commercial or other purposes, to develop and carry out, with such assistance as he may provide under any authority available to him, conservation practices designed to enhance such fish or wildlife and their habitat. The Secretary of State, in consultation with the Secretary, shall take appropriate measures to encourage the development of adequate measures, including, if appropriate, international agreements, to prevent such fish or wildlife from becoming threatened with worldwide extinction.

International conservation convention.

(b) To assure the worldwide conservation of endangered species and to prevent competitive harm to affected United States industries, the Secretary, through the Secretary of State, shall seek the convening of an international ministerial meeting on fish and wildlife prior to June 30, 1971, and included in the business of that meeting shall be the signing of a binding international convention on the conservation of endangered species.

Appropriation.**Law administration, coordination.**

26 Stat. 416;
32 Stat. 792;
76 Stat. 129;
46 Stat. 689.

(c) There are authorized to be appropriated such sums, not to exceed \$200,000, as may be necessary to carry out the provisions of subsection (b) of this section, such sums to remain available until expended.

SEC. 6. (a) The Secretary of Agriculture and the Secretary shall provide for appropriate coordination of the administration of this Act and amendments made by this Act, with the administration of the animal quarantine laws (21 U.S.C. 101 et seq., 21 U.S.C. 111, 21 U.S.C. 134 et seq.) and the Tariff Act of 1930, as amended (19 U.S.C. 1306).

(b) Nothing in this Act, or any amendment made by this Act, shall be construed as superseding or limiting in any manner the functions of the Secretary of Agriculture under any other law relating to prohibited or restricted importations of animals and other articles and no proceeding or determination under this Act shall preclude any proceeding or be considered determinative of any issue of fact or law in any proceeding under any Act administered by the Secretary of Agriculture.

46 Stat. 741.

(c) Nothing in this Act, or any amendment made by this Act, shall be construed as superseding or limiting in any manner the functions and responsibilities of the Secretary of the Treasury under the Tariff Act of 1930, as amended, including, without limitation, section 527 of said Act (19 U.S.C. 1527) relating to the importation of wildlife taken, killed, possessed or exported to the United States in violation of the laws or regulations of a foreign country.

SEC. 7. (a) Section 43 of title 18, United States Code, is amended to read as follows:

^{62 Stat. 687;}
^{74 Stat. 754.}

“§ 43. Transportation of wildlife taken in violation of State, National, or foreign laws; receipt; making false records

“(a) Any person who—

“(1) delivers, carries, transports, or ships, by any means whatever, or causes to be delivered, carried, transported, or shipped for commercial or noncommercial purposes or sells or causes to be sold any wildlife taken, transported, or sold in any manner in violation of any Act of Congress or regulation issued thereunder, or

“(2) delivers, carries, transports, or ships, by any means whatever, or causes to be delivered, carried, transported, or shipped for commercial or noncommercial purposes or sells or causes to be sold in interstate or foreign commerce any wildlife taken, transported, or sold in any manner in violation of any law or regulation of any State or foreign country; or

“(b) Any person who—

“(1) sells or causes to be sold any products manufactured, made, or processed from any wildlife taken, transported, or sold in any manner in violation of any Act of Congress or regulation issued thereunder, or

“(2) sells or causes to be sold in interstate or foreign commerce any products manufactured, made, or processed from any wildlife taken, transported, or sold in any manner in violation of any law or regulation of a State or a foreign country, or

“(3) having purchased or received wildlife imported from any foreign country or shipped, transported, or carried in interstate commerce, makes or causes to be made any false record, account, label, or identification thereof, or

“(4) receives, acquires, or purchases for commercial or non-commercial purposes any wildlife—

“(A) taken, transported, or sold in violation of any law or regulation of any State or foreign country and delivered, carried, transported, or shipped by any means or method in interstate or foreign commerce, or

“(B) taken, transported, or sold in violation of any Act of Congress or regulation issued thereunder, or

“(5) imports from Mexico to any State, or exports from any State to Mexico, any game mammal, dead or alive, or part or product thereof, except under permit or other authorization of the Secretary or, in accordance with any regulations prescribed by him, having due regard to the requirements of the Migratory Birds and Game Mammals Treaty with Mexico and the laws of the United States forbidding importation of certain live mammals injurious to agriculture and horticulture;

shall be subject to the penalties prescribed in subsections (c) and (d) of this section.

“(c)(1) Any person who knowingly violates, or who, in the exercise of due care, should know that he is violating, any provision of subsection (a) or (b) of this section may be assessed a civil penalty by the Secretary of not more than \$5,000 for each such violation. Each violation shall be a separate offense. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Any such civil penalty may be compromised by the Secretary. Upon any failure to pay the penalty assessed under this paragraph, the Secretary may request the Attorney General to institute a civil action in a district court of the United

^{50 Stat. 1311.}

Penalty.

Hearing notice.

States for any district in which such person is found or resides or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. In hearing such action, the court shall have authority to review the violation and the assessment of the civil penalty *de novo*.

Search and
seizure warrant.

"(2) Any employee authorized by the Secretary to enforce the provisions of this section, or any officer of the customs, shall have authority to execute any warrant to search for and seize any wildlife, product, property, or item used or possessed in violation of this section with respect to which a civil penalty may be assessed pursuant to paragraph (1) of this subsection. Such wildlife, product, property, or item so seized shall be held by such employee pending disposition of proceedings by the Secretary involving the assessment of a civil penalty pursuant to paragraph (1) of this subsection; except that the Secretary may, in lieu of holding such wildlife, product, property, or item, permit such person to post a bond or other surety satisfactory to the Secretary. Upon the assessment of a civil penalty pursuant to paragraph (1) of this subsection for any nonwillful violation of this section, such wildlife, product, property, or item so seized may be proceeded against in any court of competent jurisdiction and forfeited to the Secretary for disposition by him in such manner as he deems appropriate. The owner or consignee of any such wildlife, product, property, or item so seized shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary or the Secretary of the Treasury. Whenever any wildlife, product, property, or item is seized pursuant to this subsection, the Secretary shall move to dispose of the civil penalty proceedings pursuant to paragraph (1) of this subsection as expeditiously as possible. If, with respect to any such wildlife, product, property, or item so seized, no action is commenced in any court of competent jurisdiction to obtain the forfeiture of such wildlife, product, property, or item within thirty days following the disposition of proceedings involving the assessment of a civil penalty, such wildlife, product, property, or item shall be immediately returned to the owner or the consignee in accordance with regulations promulgated by the Secretary.

Posting of bond.

Notification of
seizure.

Penalty.

"(d) Any person who knowingly and willfully violates any provision of subsection (a) or (b) of this section shall, upon conviction, be fined not more than \$10,000 or imprisoned for not more than one year, or both.

"(e) Any wildlife or products thereof seized in connection with any knowing and willful violation of this section with respect to which a penalty may be imposed pursuant to subsection (d) shall, upon conviction of such violation, be forfeited to the Secretary to be disposed of by him in such manner as he deems appropriate. Any other property or item so seized may upon conviction, in the discretion of the court, be forfeited to the United States or otherwise disposed of. The owner or consignee of any such wildlife, product, property, or item so seized shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary or the Secretary of the Treasury. If no conviction results from any such alleged violation, such wildlife, product, property or item so seized in connection therewith shall be immediately returned to the owner or consignee in accordance with regulations promulgated by the Secretary, unless the Secretary, within thirty days following the final disposition of the case involving such violation, commences proceedings under subsection (c) of this section.

"(f) For the purpose of this section, the term—

Definitions.

“(1) ‘Secretary’ means the Secretary of the Interior;

“(2) ‘person’ means any individual, firm, corporation, association, or partnership;

“(3) ‘wildlife’ means any wild mammal, wild bird, amphibian, reptile, mollusk, or crustacean, or any part, egg, or offspring thereof, or the dead body or parts thereof, but does not include migratory birds for which protection is afforded under the Migratory Bird Treaty Act, as amended;

“(4) ‘State’ means the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam; and

“(5) ‘taken’ means captured, killed, collected, or otherwise possessed.”

(b) Section 3054 of title 18 of the United States Code is amended to read as follows:

“§ 3054. Officers’ powers involving animals and birds

“Any employee authorized by the Secretary of the Interior to enforce sections 42, 43, and 44 of this title, and any officer of the customs, may arrest any person who violates section 42 or 44, or who such employee or officer of the customs has probable cause to believe is knowingly and willfully violating section 43, in his presence or view, and may execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of said sections.”.

(c) Section 3112 of title 18 of the United States Code is amended to read as follows:

“§ 3112. Search warrants for seizure of animals, birds, or eggs

“Any employee authorized by the Secretary of the Interior to enforce sections 42, 43, and 44 of this title, and any officer of the customs, shall have authority to execute any warrant to search for and seize any wildlife, product, property, or item used or possessed in connection with a violation of section 42 or 44, or in connection with a knowing and willful violation of section 43, and any such wildlife, product, property, or item so seized shall be held by him or by the United States marshal pending disposition thereof by the court.”.

SEC. 8. (a) The first paragraph in section 44 of title 18, United States Code, is amended by deleting “wild animals or birds, or the dead bodies or parts thereof,” and inserting “any wild mammal, wild bird, amphibian, or reptile, or any mollusk or crustacean, or the dead body or parts or eggs thereof.”

(b) Section 44 of title 18, United States Code, is amended by adding at the end thereof a new paragraph to read as follows:

“In any case where the marking, labeling, or tagging of a package under this section indicating in any way the contents thereof would create a significant possibility of theft of the package or its contents, the Secretary of the Interior may, upon request of the owner thereof or his agent or by regulation, provide some other reasonable means of notifying appropriate authorities of the contents of such packages.”

SEC. 9. (a) Section 2 of the Black Bass Act (44 Stat. 576), as amended (16 U.S.C. 852), is amended to read as follows:

“Sec. 2. It shall be unlawful for any person—

“(1) to deliver or receive for transportation, or to transport, by any means whatsoever, in interstate or foreign commerce, any black bass and other fish, if such person knows or in the exercise of due care should know that (A) such delivery or transportation is contrary to the law of the State or any foreign country from which such black bass or other fish is found or transported, or is contrary to other applicable law, or (B) such black bass or other

40 Stat. 755.
16 USC 710.

62 Stat. 817.

63 Stat. 89.
Ante, p. 279.
62 Stat. 687.

62 Stat. 820.

Marking and labeling provisions.

Black Bass Act, amendments.
61 Stat. 517.

fish has been either caught, killed, taken, sold, purchased, possessed, or transported, at any time, contrary to the law of the State or foreign country, in which it was caught, killed, taken, sold, purchased, or possessed, or from which it was transported, or contrary to other applicable law;

“(2) to purchase or receive any such black bass or other fish, if such person knows, or in the exercise of due care should know, that such bass or fish has been transported in violation of the provisions of this Act;

“(3) receiving any shipment of black bass or other fish transported in interstate or foreign commerce to make any false record or render a false account of the contents of such shipment, if such person knows, or in the exercise of due care should know, that such record or account is false. For the purposes of this section, the provisions of section 10 of title 18, United States Code, shall apply to the term ‘interstate or foreign commerce.’”

62 Stat. 686.

61 Stat. 517.

(b) Section 3 of the Black Bass Act (46 Stat. 846), as amended (16 U.S.C. 852a), is amended by deleting the comma after “commerce” and inserting therein “or foreign commerce.”

(c) Section 6(a) of the Black Bass Act (46 Stat. 846), as amended (16 U.S.C. 852d(a)), is amended by adding a new sentence at the end thereof to read as follows: “The provisions of this section and any regulations issued thereunder shall be enforced by personnel of the Secretary of the Interior, and he may utilize by agreement, with or without reimbursement, personnel, services, and facilities of other Federal agencies.”

(d) The first section of the Black Bass Act (46 Stat. 846), as amended (16 U.S.C. 851), is amended by inserting immediately before the period at the end thereof a comma and the following: “and the term ‘State’ means the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam”.

SEC. 10. The second paragraph of section 4 of the Migratory Bird Treaty Act, as amended (16 U.S.C. 705), is hereby repealed.

SEC. 11. The provisions of sections 1 through 10 of this Act shall be effective one hundred and eighty days after the date of enactment of this Act.

SEC. 12. (a) Section 1 of the Act of October 15, 1966 (80 Stat. 926; 16 U.S.C. 668aa), is amended by adding new subsection at the end thereof to read as follows:

“(d) For the purpose of sections 1 through 3 of this Act, the term ‘fish and wildlife’ means any wild mammal, fish, wild bird, amphibian, reptile, mollusk, or crustacean.”

(b) The last sentence of section 2(c) of the Act of October 15, 1966 (80 Stat. 926; 16 U.S.C. 668bb(c)), is amended by changing the “\$750,000” to “\$2,500,000”.

(c) Section 2(d) of the Act of October 15, 1966 (80 Stat. 926; 16 U.S.C. 668bb(d)), is amended by adding a new sentence at the end thereof to read as follows: “The Secretary is authorized to acquire by purchase, donation, exchange, or otherwise any privately owned land, water, or interests therein within the boundaries of any area administered by him, for the purpose of conserving, protecting, restoring, or propagating any selected species of native fish and wildlife that are threatened with extinction and each such acquisition shall be administered in accordance with the provisions of law applicable to such area, and there is authorized to be appropriated annually for fiscal years 1970, 1971, and 1972 not to exceed \$1,000,000 to carry out the provisions of this sentence.”

Repeal.
40 Stat. 755;
49 Stat. 1556.
Effective date.

“Fish and
wildlife.”

Appropriation.

(d) The provisions of sections 1 through 5 of this Act and sections 1 through 3 of the Act of October 15, 1966 (80 Stat. 926; 16 U.S.C. 668aa-668cc), as amended by this section, shall hereinafter be cited as the "Endangered Species Conservation Act of 1969".

Citation of act.

(e) The second sentence of section 1(a) of the Act of October 15, 1966 (80 Stat. 926; 16 U.S.C. 668aa(a)), is amended by changing the comma after the word "extinction" to a period and deleting the remainder of the sentence.

Citation of act.

(f) The provisions of sections 4 and 5 of the Act of October 15, 1966 (80 Stat. 929; 16 U.S.C. 668dd-668ee), as amended, shall herein-after be cited as the "National Wildlife Refuge System Administra-tion Act of 1966".

Approved December 5, 1969.

Public Law 91-136

AN ACT

To amend section 336(c) of the Immigration and Nationality Act.

December 5, 1969
[H. R. 3666]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 336(c) of the Immigration and Nationality Act is hereby amended to read as follows:

Immigration and
Nationality Act,
amendment.
66 Stat. 257.
8 USC 1447.

"(c) Except as otherwise specifically provided in this title, no final hearing shall be held on any petition for naturalization nor shall any person be naturalized nor shall any certificate of naturalization be issued by any court within a period of thirty days after the filing of the petition for naturalization. The Attorney General may waive such period in an individual case if he finds that the waiver will be in the public interest."

Approved December 5, 1969.

Public Law 91-137

AN ACT

To extend for one year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act.

December 5, 1969
[S. 2276]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sen-tence of section 104(c) of the Clean Air Act (42 U.S.C. 1857b-1(c)) is amended by striking out "and", and by striking out the period at the end thereof and inserting in lieu thereof "; and for the fiscal year ending June 30, 1970, \$45,000,000.".

Clean Air Act,
amendment.
81 Stat. 488.

Approved December 5, 1969.

Public Law 91-138

December 5, 1969
[H. R. 14195]

To revise the law governing contests of elections of Members of the House of Representatives, and for other purposes.

Federal
Contested
Election Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Contested Election Act".

DEFINITIONS

SEC. 2. For purposes of this Act—

(a) The term "election" means an official general or special election to choose a Representative in or Resident Commissioner to the Congress of the United States, but does not include a primary election, or a caucus or convention of a political party.

(b) The term "candidate" means an individual (1) whose name is printed on the official ballot for election to the House of Representatives of the United States, or (2) notwithstanding his name is not printed on such ballot, who seeks election to the House of Representatives by write-in votes, provided that he is qualified for such office and that, under the law of the State in which the congressional district is located, write-in voting for such office is permitted and he is eligible to receive write-in votes in such election.

(c) The term "contestant" means an individual who contests the election of a Member of the House of Representatives of the United States under this Act.

(d) The term "contestee" means a Member of the House of Representatives of the United States whose election is contested under this Act.

(e) The term "Member" means an incumbent Representative in or Resident Commissioner to the Congress of the United States, or an individual who has been elected to either of such offices but has not taken the oath of office.

(f) The term "Clerk" means the Clerk of the House of Representatives of the United States.

(g) The term "committee" means the Committee on House Administration of the House of Representatives of the United States.

(h) The term "State" includes territory and possession of the United States.

(i) The term "write-in vote" means a vote cast for a person whose name does not appear on the official ballot by writing in the name of such person on such ballot or by any other method prescribed by the law of the State in which the election is held.

NOTICE OF CONTEST

SEC. 3. (a) Whoever, having been a candidate for election to the House of Representatives in the last preceding election and claiming a right to such office, intends to contest the election of a Member of the House of Representatives, shall, within thirty days after the result of such election shall have been declared by the officer or Board of Canvassers authorized by law to declare such result, file with the Clerk and serve upon the contestee written notice of his intention to contest such election.

(b) Such notice shall state with particularity the grounds upon which contestant contests the election and shall state that an answer

thereto must be served upon contestant under section 4 of this Act within thirty days after service of such notice. Such notice shall be signed by contestant and verified by his oath or affirmation.

(c) Service of the notice of contest upon contestee shall be made as follows:

- (1) by delivering a copy to him personally;
- (2) by leaving a copy at his dwelling house or usual place of abode with a person of discretion not less than sixteen years of age then residing therein;
- (3) by leaving a copy at his principal office or place of business with some person then in charge thereof;
- (4) by delivering a copy to an agent authorized by appointment to receive service of such notice; or
- (5) by mailing a copy by registered or certified mail addressed to contestee at his residence or principal office or place of business. Service by mail is complete upon mailing;
- (6) the verified return by the person so serving such notice, setting forth the time and manner of such service shall be proof of same, and the return post office receipt shall be proof of the service of said notice mailed by registered or certified mail as aforesaid. Proof of service shall be made to the Clerk promptly and in any event within the time during which the contestee must answer the notice of contest. Failure to make proof of service does not affect the validity of the service.

ANSWER; DEFENSES MADE BY MOTION

SEC. 4. (a) Any contestee upon whom a notice of contest as described in section 3 shall be served, shall, within thirty days after the service thereof, serve upon contestant a written answer to such notice, admitting or denying the averments upon which contestant relies. If contestee is without knowledge or information sufficient to form a belief as to the truth of an averment, he shall so state and this shall have the effect of a denial. Such answer shall set forth affirmatively any other defenses, in law or fact, on which contestee relies. Contestee shall sign and verify such answer by oath or affirmation.

(b) At the option of contestee, the following defenses may be made by motion served upon contestant prior to contestee's answer:

- (1) Insufficiency of service of notice of contest.
- (2) Lack of standing of contestant.
- (3) Failure of notice of contest to state grounds sufficient to change result of election.
- (4) Failure of contestant to claim right to contestee's seat.

(c) If a notice of contest to which an answer is required is so vague or ambiguous that the contestee cannot reasonably be required to frame a responsive answer, he may move for a more definite statement before interposing his answer. The motion shall point out the defects complained of and the details desired. If the motion is granted and the order of the committee is not obeyed within ten days after notice of the order or within such other time as the committee may fix, the committee may dismiss the action, or make such order as it deems just.

(d) Service of a motion permitted under this section alters the time for serving the answer as follows, unless a different time is fixed by order of the committee: If the committee denies the motion or postpones its disposition until the hearing on the merits, the answer shall be served within ten days after notice of such action. If the committee grants a motion for a more definite statement the answer shall be served within ten days after service of the more definite statement.

SERVICE AND FILING OF PAPERS OTHER THAN NOTICE OF CONTEST;
HOW MADE; PROOF OF SERVICE

SEC. 5. (a) Except for the notice of contest, every paper required to be served shall be served upon the attorney representing the party, or, if he is not represented by an attorney, upon the party himself. Service upon the attorney or upon a party shall be made:

(1) by delivering a copy to him personally;

(2) by leaving it at his principal office with some person then in charge thereof; or if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with a person of discretion not less than sixteen years of age then residing therein; or

(3) by mailing it addressed to the person to be served at his residence or principal office. Service by mail is complete upon mailing.

(b) All papers subsequent to the notice of contest required to be served upon the opposing party shall be filed with the Clerk either before service or within a reasonable time thereafter.

(c) Papers filed subsequent to the notice of contest shall be accompanied by proof of service showing the time and manner of service, made by affidavit of the person making service or by certificate of an attorney representing the party in whose behalf service is made. Failure to make proof of service does not affect the validity of such service.

DEFAULT OF CONTESTEE

SEC. 6. The failure of contestee to answer the notice of contest or to otherwise defend as provided by this Act shall not be deemed an admission of the truth of the averments in the notice of contest. Notwithstanding such failure, the burden is upon contestant to prove that the election results entitle him to contestee's seat.

TAKING TESTIMONY BY DEPOSITION

SEC. 7. (a) Either party may take the testimony of any person, including the opposing party, by deposition upon oral examination for the purpose of discovery or for use as evidence in the contested election case, or for both purposes. Depositions shall be taken only within the time for the taking of testimony prescribed in this section.

(b) Witnesses may be examined regarding any matter, not privileged, which is relevant to the subject matter involved in the pending contested election case, whether it relates to the claim or defense of the examining party or the claim or defense of the opposing party, including the existence, description, nature, custody, condition and location of any books, papers, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts. After the examining party has examined the witness the opposing party may cross examine.

(c) The order in which the parties may take testimony shall be as follows:

(1) Contestant may take testimony within thirty days after service of the answer, or, if no answer is served within the time provided in section 4, within thirty days after the time for answer has expired.

(2) Contestee may take testimony within thirty days after contestant's time for taking testimony has expired.

(3) If contestee has taken any testimony or has filed testimonial affidavits or stipulations under section 8(c), contestant may take rebut-

tal testimony within ten days after contestee's time for taking testimony has expired.

(d) Testimony shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held.

(e) Attendance of witnesses may be compelled by subp^ena as provided in section 9.

(f) At the taking of testimony, a party may appear and act in person, or by his agent or attorney.

(g) The officer before whom testimony is to be taken shall put the witness under oath and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed. All objections made at the time of examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, a party served with a notice of deposition may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim.

(h) When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and the parties. Any changes in the form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and note on the deposition the fact of the waiver or of the illness or the absence of the witness or the fact of refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress, the committee rules that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

NOTICE OF DEPOSITIONS; TESTIMONY BY AFFIDAVIT OR STIPULATION

SEC. 8. (a) A party desiring to take the deposition of any person upon oral examination shall serve written notice on the opposing party not later than two days before the date of the examination. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined. A copy of such notice, together with proof of such service thereof, shall be attached to the deposition when it is filed with the Clerk.

(b) By written stipulation of the parties, the deposition of a witness may be taken without notice. A copy of such stipulation shall be attached to the deposition when it is filed with the Clerk.

(c) By written stipulation of the parties, the testimony of any witness of either party may be filed in the form of an affidavit by such witness or the parties may agree what a particular witness would testify to if his deposition were taken. Such testimonial affidavits or stipulations shall be filed within the time limits prescribed for the taking of testimony in section 7.

SUBPENAS; PRODUCTION OF DOCUMENTS

SEC. 9. (a) Upon application of any party, a subpoena for attendance at a deposition shall be issued by:

- (1) a judge or clerk of the United States district court for the district in which the place of examination is located;
- (2) a judge or clerk of any court of record of the State in which the place of examination is located; or
- (3) a judge or clerk of any court of record of the county in which the place of examination is located.

(b) Service of the subpoena shall be made upon the witness no later than three days before the day on which his attendance is directed. A subpoena may be served by any person who is not a party to the contested election case and is not less than eighteen years of age. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fee for one day's attendance and the mileage allowed by section 10. Written proof of service shall be made under oath by the person making same and shall be filed with the Clerk.

(c) A witness may be required to attend an examination only in the county wherein he resides or is employed, or transacts his business in person, or is served with a subpoena, or within forty miles of the place of service.

(d) Every subpoena shall state the name and title of the officer issuing same and the title of the contested election case, and shall command each person to whom it is directed to attend and give testimony at a time and place and before an officer specified therein.

(e) A subpoena may also command the person to whom it is directed to produce the books, papers, documents, or other tangible things designated therein, but the committee, upon motion promptly made and in any event at or before the time specified in the subpoena for compliance therewith, may (1) quash or modify the subpoena if it is unreasonable or oppressive, or (2) condition denial of the motion upon the advancement by the party in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things. In the case of public records or documents, copies thereof, certified by the person having official custody thereof, may be produced in lieu of the originals.

OFFICER AND WITNESS FEES

SEC. 10. (a) Each judge, clerk of court, or other officer who issues any subpoena or takes a deposition and each person who serves any subpoena or other paper herein authorized shall be entitled to receive from the party at whose instance the service shall have been performed such fees as are allowed for similar services in the district courts of the United States.

(b) Witnesses whose depositions are taken shall be entitled to receive from the party at whose instance the witness appeared the same fees and travel allowance paid to witnesses subpoenaed to appear before the House of Representatives or its committees.

PENALTY FOR FAILURE TO APPEAR, TESTIFY, OR PRODUCE DOCUMENTS

SEC. 11. Every person who, having been subpoenaed as a witness under this Act to give testimony or to produce documents, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the contested election case, shall be deemed guilty of a misdemeanor punishable by fine of not more than \$1,000 nor less than \$100 or imprisonment for not less than one month nor more than twelve months, or both.

CERTIFICATION AND FILING OF DEPOSITIONS

SEC. 12. (a) The officer before whom any deposition is taken shall certify thereon that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition, together with any papers produced by the witness and the notice of deposition or stipulation, if the deposition was taken without notice, in an envelope endorsed with the title of the contested election case and marked "Deposition of (here insert name of witness)" and shall within thirty days after completion of the witness' testimony, file it with the Clerk.

(b) After filing the deposition, the officer shall promptly notify the parties of its filing.

(c) Upon payment of reasonable charges therefor, not to exceed the charges allowed in the district court of the United States for the district wherein the place of examination is located, the officer shall furnish a copy of deposition to any party or the deponent.

RECORD; PRINTING AND FILING OF BRIEFS AND APPENDIXES

SEC. 13. (a) Contested election cases shall be heard by the committee on the papers, depositions, and exhibits filed with the Clerk. Such papers, depositions, and exhibits shall constitute the record of the case.

(b) Contestant shall print as an appendix to his brief those portions of the record which he desires the committee to consider in order to decide the case and such other portions of the record as may be prescribed by the rules of the committee.

(c) Contestee shall print as an appendix to his brief those portions of the record not printed by contestant which contestee desires the committee to consider in order to decide the case.

(d) Within forty-five days after the time for both parties to take testimony has expired, contestant shall serve on contestee his printed brief of the facts and authorities relied on to establish his case together with his appendix.

(e) Within thirty days of service of contestant's brief and appendix, contestee shall serve on contestant his printed brief of the facts and authorities relied on to establish his case together with his appendix.

(f) Within ten days after service of contestee's brief and appendix, contestant may serve on contestee a printed reply brief.

(g) The form and length of the briefs, the form of the appendixes, and the number of copies to be served and filed shall be in accordance with such rules as the committee may prescribe.

FILINGS OF PLEADINGS, MOTIONS, DEPOSITIONS, APPENDIXES, BRIEFS, AND OTHER PAPERS

SEC. 14. (a) Filings of pleadings, motions, depositions, appendixes, briefs, and other papers shall be accomplished by:

(1) delivering a copy thereof to the Clerk of the House of Representatives at his office in Washington, District of Columbia, or to a member of his staff at such office; or

(2) mailing a copy thereof, by registered or certified mail, addressed to the Clerk at the House of Representatives, Washington, District of Columbia: *Provided*, That if such copy is not actually received, another copy shall be filed within a reasonable time; and

(3) delivering or mailing, simultaneously with the delivery or mailing of a copy thereof under paragraphs (1) and (2) of this subsection, such additional copies as the committee may by rule prescribe.

(b) All papers filed with the Clerk pursuant to this Act shall be promptly transmitted by him to the committee.

TIME; COMPUTATION AND ENLARGEMENT

SEC. 15. (a) In computing any period of time prescribed or allowed by this Act or by the rules or any order of the committee, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, a Sunday, nor a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. For the purposes of this Act, "legal holiday" shall mean New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day, and any other day appointed as a holiday by the President or the Congress of the United States.

"Legal
holiday."

(b) Whenever a party has the right or is required to do some act or take some proceeding within a prescribed period after the service of a pleading, motion, notice, brief, or other paper upon him, which is served upon him by mail, three days shall be added to the prescribed period.

(c) When by this Act or by the rules or any order of the committee an act is required or allowed to be done at or within a specified time, the committee, for good cause shown, may at any time in its discretion (1) with or without motion or notice, order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect, but it shall not extend the time for serving and filing the notice of contest under section 3.

DEATH OF CONTESTANT

SEC. 16. In the event of the death of the contestant, the contested election case shall abate.

ALLOWANCE OF PARTY'S EXPENSES

SEC. 17. The committee may allow any party reimbursement from the contingent fund of the House of Representatives of his reasonable expenses of the contested election case, including reasonable attorneys fees, upon the verified application of such party accompanied by a complete and detailed account of his expenses and supporting vouchers and receipts.

REPEALS

SEC. 18. The following provisions of law are repealed:

(a) Sections 105 through 129 of the Revised Statutes of the United States (2 U.S.C. 201-225).

(b) The second paragraph under the center heading "House of Representatives" in the first section of the Act of March 3, 1879 (2 U.S.C. 226).

(c) Section 2 of the Act entitled "An Act further supplemental to the various Acts prescribing the mode of obtaining evidence in cases of contested elections", approved March 2, 1875 (2 U.S.C. 203).

EFFECTIVE DATE

SEC. 19. The provisions of, and the repeals made by, this Act shall apply with respect to any general or special election for Representative in, or Resident Commissioner to, the Congress of the United States occurring after the date of enactment of this Act.

Approved December 5, 1969.

Public Law 91-139

AN ACT

To provide certain equipment for use in the offices of Members, officers, and committees of the House of Representatives, and for other purposes.

December 5, 1969
[H.R. 13949]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) at the request of any Member, officer, or committee of the House of Representatives, or the Resident Commissioner from Puerto Rico, and with the approval of the Committee on House Administration, but subject to the limitations prescribed by this Act, the Clerk of the House shall furnish electrical and mechanical office equipment for use in the office of that Member, Resident Comissioner, officer, or committee. Office equipment so furnished is limited to equipment of those types and categories which the Committee on House Administration shall prescribe.

House of Representatives.
Office equipment for Members.

(b) Office equipment furnished under this section shall be registered in the office of the Clerk of the House of Representatives and shall remain the property of the House of Representatives.

(c) The cost of office equipment furnished under this section shall be paid from the contingent fund of the House of Representatives.

(d) The Committee on House Administration shall prescribe such regulations as it considers necessary to carry out the purposes of this section. The regulations shall limit, on such basis as the committee considers appropriate, the total value of office equipment, with allowance for equipment depreciation, which may be in use at any one time in the office of a Member or the Resident Commissioner.

SEC. 2. (a) The joint resolution entitled "Joint resolution to authorize the Clerk of the House of Representatives to furnish certain electrical or mechanical office equipment for the use of Members, officers, and committees of the House of Representatives", approved March 25, 1953 (2 U.S.C. 112a-112d, inclusive), is repealed.

Repeal.

(b) The repeal by subsection (a) of this section of the joint resolution of March 25, 1953, does not deprive any Member, officer, or committee of the House of Representatives, or the Resident Commissioner from Puerto Rico, of entitlement to the continued possession and use of office equipment furnished, under any provision of that joint resolution, to that Member, officer, committee, or the Resident Commisioner from Puerto Rico, and in use on the effective date of this Act. However, the total value (less allowance for depreciation) of that equipment furnished to a Member or the Resident Commissioner under the first section and section 2 of the joint resolution of March 25, 1953, while in use by that Member or the Resident Commissioner on and after the effective date of this Act shall be taken into account for the

67 Stat. 7;
70 Stat. 30.
Total value of
equipment.
Determination.

purpose of determining the total value of equipment in use at any one time in the office of the Member or the Resident Commissioner under the regulations prescribed by the Committee on House Administration under the first section of this Act.

Effective date.

SEC. 3. This Act shall become effective at the beginning of the first calendar month which commences on or after the date of enactment of this Act.

Approved December 5, 1969.

Public Law 91-140**December 5, 1969****[S. 2056]**

D.C.
Unmarried
judges.
Survivor annuity
provisions.
78 Stat. 1055.

AN ACT

To amend title 11 of the District of Columbia Code to permit unmarried judges of the courts of the District of Columbia who have no dependent children to terminate their payments for survivors annuity and to receive a refund of amounts paid for such annuity.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of subsection (b) of section 11-1701 of title 11 of the District of Columbia Code is amended by adding at the end thereof the following: "Any judge who elected to bring himself within the purview of this subsection and who after making such election is unmarried and has no dependent child may elect—

"(A) to terminate the deductions and withholdings from his salary under paragraph (2) of this subsection and any installment payments elected to be made under paragraph (3) of this subsection, and

"(B) to have any amounts credited to his individual account under this subsection, to the date of his election under this sentence, returned to him, together with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter compounded annually to December 31, 1956.

Any election under the preceding sentence shall be made in writing and filed with the Commissioner in such manner and at such time as he shall prescribe."

Approved December 5, 1969.

Public Law 91-141**December 5, 1969****[H. J. Res. 1017]****JOINT RESOLUTION**

Making further continuing appropriations for the fiscal year 1970, and for other purposes.

Continuing
appropriations,
1970.

Ante, p. 193.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of November 14, 1969 (Public Law 91-117), is hereby amended by striking out "December 6, 1969" and inserting in lieu thereof "the sine die adjournment of the first session of the Ninety-first Congress".

Approved December 5, 1969.

Public Law 91-142

AN ACT

To authorize certain construction at military installations, and for other purposes.

December 5, 1969
[H. R. 13018]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Military
Construction
Authorization
Act, 1970.

TITLE I

Army.

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

UNITED STATES CONTINENTAL ARMY COMMAND

(First Army)

Fort Belvoir, Virginia: Operational and training facilities, hospital facilities, and utilities, \$4,316,000.

Carlisle Barracks, Pennsylvania: Community facilities, \$145,000.

Fort Dix, New Jersey: Community facilities and utilities, \$1,539,000.

Fort Eustis, Virginia: Training facilities, \$1,825,000.

Fort Hancock, New Jersey: Utilities, \$625,000.

A. P. Hill Military Reservation, Virginia: Maintenance facilities, \$364,000.

Fort Holabird, Maryland: Administrative facilities, \$489,000.

Fort Knox, Kentucky: Training facilities, troop housing and utilities, \$4,006,000.

Fort George G. Meade, Maryland: Administrative facilities, community facilities, and utilities, \$4,845,000.

Fort Monroe, Virginia: Utilities, \$534,000.

Fort Story, Virginia: Training facilities, \$430,000.

Fort Wadsworth, New York: Utilities, \$545,000.

(Third Army)

Fort Benning, Georgia: Utilities, \$2,391,000.

Fort Bragg, North Carolina: Training facilities, and maintenance facilities, \$3,760,000.

Fort Campbell, Kentucky: Maintenance facilities, and community facilities, \$1,176,000.

Fort Gordon, Georgia: Training facilities, maintenance facilities, and troop housing, \$10,286,000.

Fort Jackson, South Carolina: Troop housing, and utilities, \$12,372,000.

Fort Rucker, Alabama: Training facilities, supply facilities, and troop housing, \$8,316,000.

(Fourth Army)

Fort Bliss, Texas: Training facilities, maintenance facilities, community facilities, and utilities, \$4,309,000.

Fort Hood, Texas: Maintenance facilities, troop housing, and community facilities, \$21,050,000.

Fort Sam Houston, Texas: Utilities, \$378,000.

Fort Polk, Louisiana: Training facilities, medical facilities, troop housing, and community facilities, \$3,067,000.

Fort Sill, Oklahoma: Maintenance facilities, and utilities, \$738,000.

(Fifth Army)

Fort Carson, Colorado: Maintenance facilities, \$6,865,000.

Fort Benjamin Harrison, Indiana: Administrative facilities, and utilities, \$4,120,000.

Fort Leavenworth, Kansas: Medical facilities and troop housing, \$502,000.

Fort Riley, Kansas: Utilities, \$1,957,000.

Fort Sheridan, Illinois: Administrative facilities, \$2,210,000.

(Sixth Army)

Presidio of Monterey, California: Troop housing, \$2,125,000.

Presidio of San Francisco, California: Community facilities, and utilities, \$745,000.

(Military District of Washington)

Fort McNair, District of Columbia: Training facilities, \$929,000.

UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland: Training facilities and utilities, \$2,312,000.

Aeronautical Maintenance Center, Texas: Maintenance facilities, \$1,178,000.

Anniston Army Depot, Alabama: Maintenance facilities, \$1,053,000.

Atlanta Army Depot, Georgia: Supply facilities, \$572,000.

Badger Army Ammunition Plant, Wisconsin: Utilities, \$203,000.

Charleston Army Depot, South Carolina: Utilities, \$143,000.

Detroit Arsenal, Michigan: Operational facilities, and research, development, and test facilities, \$4,070,000.

Dugway Proving Ground, Utah: Operational facilities, and research, development and test facilities, \$420,000.

Granite City Army Depot, Illinois: Utilities, \$237,000.

Holston Army Ammunition Plant, Tennessee: Utilities, \$344,000.

Iowa Army Ammunition Plant, Iowa: Utilities, \$503,000.

Joliet Army Ammunition Plant, Illinois: Utilities, \$4,643,000.

Letterkenny Army Depot, Pennsylvania: Maintenance facilities, and utilities, \$2,457,000.

Michigan Army Missile Plant, Michigan: Utilities, \$354,000.

Fort Monmouth, New Jersey: Research, development and test facilities, and community facilities, \$1,778,000.

New Cumberland Army Depot, Pennsylvania: Supply facilities, \$560,000.

Picatinny Arsenal, New Jersey: Utilities, \$989,000.

Pueblo Army Depot, Colorado: Maintenance facilities, \$1,026,000.

Radford Arsenal, Virginia: Administrative facilities, \$1,641,000.

Red River Army Depot, Texas: Operational facilities, and utilities, \$1,396,000.

Rock Island Arsenal, Illinois: Operational facilities, \$425,000.

Savanna Army Depot, Illinois: Utilities, \$274,000.

Sunflower Army Ammunition Plant, Kansas: Utilities, \$251,000.

White Sands Missile Range, New Mexico: Research, development, and test facilities, \$3,218,000.

Fort Wingate Army Depot, New Mexico: Utilities, \$217,000.
Yuma Proving Ground, Arizona: Research, development, and test facilities, and utilities, \$734,000.

UNITED STATES ARMY AIR DEFENSE COMMAND

United States Various Locations: Operational facilities, \$27,000.

UNITED STATES ARMY SECURITY AGENCY

Vint Hills Farms, Virginia: Utilities, \$136,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Fort Huachuca, Arizona: Troop housing, and community facilities, \$3,740,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York: Training facilities, and community facilities, \$17,421,000.

ARMY MEDICAL DEPARTMENT

Brooke Army Medical Center, Texas: Training facilities, \$9,891,000.
Fitzsimons Army Hospital, Colorado: Production facilities, \$776,000.

CORPS OF ENGINEERS

Army Map Service, Maryland: Operational facilities, \$134,000.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Military Ocean Terminal, Bayonne, New Jersey: Utilities, \$1,134,000.

Military Ocean Terminal, Kings Bay, Georgia: Utilities, \$177,000.
Sunny Point Army Terminal, North Carolina: Operational facilities and utilities, \$1,871,000.

UNITED STATES ARMY, ALASKA

Fort Greely, Alaska: Utilities, \$743,000.

Fort J. M. Wainwright, Alaska: Training facilities, \$322,000.

UNITED STATES ARMY, HAWAII

Schofield Barracks, Hawaii: Community facilities, \$1,524,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY, PACIFIC

Korea, Various: Operational and training facilities, maintenance facilities, supply facilities, medical facilities, administrative facilities, troop housing, community facilities, and utilities, \$23,678,000.

UNITED STATES ARMY FORCES, SOUTHERN COMMAND

Canal Zone, Various: Medical facilities, troop housing, and utilities, \$1,756,000.

UNITED STATES SAFEGUARD COMMAND

Kwajalein Missile Range: Operational facilities, maintenance facilities, supply facilities, and troop housing, \$3,273,000.

UNITED STATES ARMY SECURITY AGENCY

Various Locations: Operational facilities, \$2,951,000.

UNITED STATES ARMY, EUROPE

Germany, Various: Maintenance facilities, supply facilities, hospital facilities, administrative facilities, troop housing, community facilities, and utilities, \$22,323,000.

Various Locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, \$50,000,-000: *Provided*, That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

Report to
congressional
committees.

Construction
for unforeseen
requirements.

Congressional
committees,
notification.

Authorization
expiration.

79 Stat. 793.

82 Stat. 372.

81 Stat. 279.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Taiwan, Formosa: Operational facilities, \$154,000.

SEC. 102. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of \$10,000,000: *Provided*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1970, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 103. (a) Public Law 89-188, as amended, is amended, under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

Under the subheading "CONTINENTAL UNITED STATES, Less Army Materiel Command (Fourth Army)" with respect to "Fort Sam Houston, Texas", strike out "\$1,300,000" and insert in place thereof "\$1,510,000".

(b) Public Law 89-188, as amended, is amended by striking out in clause (1) of section 602 "\$260,925,000" and "\$317,786,000" and inserting "\$261,135,000" and "\$317,996,000", respectively.

SEC. 104. (a) Public Law 90-110, as amended, is amended under the heading "INSIDE THE UNITED STATES" section 101 as follows:

(1) Under the subheading, "UNITED STATES CONTINENTAL ARMY COMMAND (First Army)" with respect to "Fort Dix, New Jersey", strike out "\$2,585,000" and insert in place thereof "\$3,471,000".

(2) Under the subheading "UNITED STATES CONTINENTAL ARMY COMMAND (First Army)" with respect to "Fort Lee, Virginia", strike out "\$1,646,000" and insert in place thereof "\$1,727,000".

(3) Under the subheading "UNITED STATES CONTINENTAL ARMY COMMAND (First Army)" with respect to "Fort George G. Meade, Maryland", strike out "\$4,510,000" and insert in place thereof "\$5,198,000".

81 Stat. 279.

(4) Under the subheading "UNITED STATES CONTINENTAL ARMY COMMAND (Military District of Washington)" with respect to "Fort Myer, Virginia", strike out "\$1,680,000" and insert in place thereof "\$1,935,000".

(5) Under the subheading "UNITED STATES ARMY MATERIEL COMMAND" with respect to "Rock Island Arsenal, Illinois", strike out "\$320,000" and insert in place thereof "\$492,000".

(6) Under the subheading "UNITED STATES ARMY AIR DEFENSE COMMAND" with respect to "Detroit Defense Area, Michigan" strike out "\$130,000" and insert in place thereof "\$201,000".

(7) Under the subheading "CORPS OF ENGINEERS" with respect to "Army Map Service, Maryland", strike out "\$156,000" and insert in place thereof "\$201,000".

(8) Under the subheading "MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE" with respect to "Sunny Point Army Terminal, North Carolina", strike out "\$70,000" and insert in place thereof "\$138,000".

(b) Public Law 90-110, as amended, is amended by striking out in clause (1) of section 802 "\$282,359,000" and "\$385,752,000" and inserting in place thereof "\$284,625,000" and "\$388,018,000", respectively.

81 Stat. 307.

SEC. 105. (a) Public Law 90-408 is amended under the heading "INSIDE THE UNITED STATES", in section 101 as follows:

82 Stat. 367.

(1) Under the subheading "CONTINENTAL UNITED STATES (First Army)" with respect to "Fort Knox, Kentucky" strike out "\$727,000" and insert in place thereof "\$888,000".

(2) Under the subheading "UNITED STATES ARMY MATERIEL COMMAND" with respect to "New Cumberland Army Depot, Pennsylvania", strike out "\$638,000" and insert in place thereof "\$811,000".

82 Stat. 370.

(b) Public Law 90-408 is amended in section 101 under the heading "OUTSIDE THE UNITED STATES" and subheading "UNITED STATES ARMY SECURITY AGENCY" with respect to "Various Locations", by striking out "\$5,386,000" and inserting in place thereof "\$6,928,000".

(c) Public Law 90-408 is amended by striking out in clause (1) of section 802 "\$363,471,000", "\$85,610,000" and "\$449,081,000" and inserting in place thereof "\$363,805,000", "\$87,152,000" and "\$450,957,000", respectively.

82 Stat. 390.

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

Navy.

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Shipyard, Boston, Massachusetts: Utilities, \$7,905,000.

Naval Station, Newport, Rhode Island: Troop housing, \$685,000.

Naval War College, Newport, Rhode Island: Training facilities, \$2,113,000.

Naval Underwater Weapons Research and Engineering Station, Newport, Rhode Island: Research, development and test facilities, \$754,000.

Naval Air Rework Facility, Quonset Point, Rhode Island: Maintenance facilities, \$1,063,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut: Utilities, \$303,000.

Naval Hospital, Saint Albans, New York: Utilities, \$214,000.

FOURTH NAVAL DISTRICT

Navy Ships Parts Control Center, Mechanicsburg, Pennsylvania: Administrative facilities, \$215,000.

Naval Shipyard, Philadelphia, Pennsylvania: Maintenance facilities, \$10,828,000.

Naval Air Engineering Center, Philadelphia, Pennsylvania: Utilities, \$222,000.

Navy Aviation Supply Office, Philadelphia, Pennsylvania: Administrative facilities, \$834,000.

Naval Damage Control Training Center, Philadelphia, Pennsylvania: Utilities, \$1,210,000.

Naval Air Station, Willow Grove, Pennsylvania: Utilities, \$47,000.

DISTRICT OF COLUMBIA NAVAL DISTRICT

Naval Academy, Annapolis, Maryland: Training facilities, and utilities, \$13,209,000.

National Naval Medical Center, Bethesda, Maryland: Hospital and medical facilities, \$3,591,000.

Naval Ship Research and Development Center, Carderock, Maryland: Utilities at Annapolis Division, \$186,000.

FIFTH NAVAL DISTRICT

Fleet Anti-Air Warfare Training Center, Dam Neck, Virginia: Operational facilities, \$493,000.

Naval Air Rework Facility, Cherry Point, North Carolina: Maintenance facilities, \$2,308,000.

Naval Shipyard, Norfolk, Virginia: Utilities, \$2,319,000.

Naval Station, Norfolk, Virginia: Troop housing and community facilities, \$4,848,000.

Naval Air Rework Facility, Norfolk, Virginia: Maintenance facilities, \$9,303,000.

Naval Supply Center, Norfolk, Virginia: Utilities, \$111,000.

Naval Communication Station, Norfolk, Virginia: Operational facilities, \$1,400,000.

Naval Weapons Station, Yorktown, Virginia: Maintenance facilities, \$1,686,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida: Operational facilities, and troop housing, \$1,135,000.

Naval Air Station, Jacksonville, Florida: Utilities, \$2,060,000.

Naval Station, Mayport, Florida: Operational and training facilities, \$251,000.

Naval Station, Key West, Florida: Troop housing, \$2,130,000.

Naval Training Center, Orlando, Florida: Training facilities, troop housing, and utilities, \$12,909,000.

Naval Ship Research and Development Laboratory, Panama City, Florida: Operational facilities, and community facilities, \$857,000.

Naval Air Station, Pensacola, Florida: Operational facilities, \$1,321,000.

- Navy Public Works Center, Pensacola, Florida : Utilities, \$923,000.
Naval Air Station, Saufley Field, Florida : Operational facilities and real estate, \$349,000.
Naval Air Station, Whiting Field, Florida : Training facilities, \$808,000.
Naval Supply Corps School, Athens, Georgia : Training facilities, \$2,920,000.
Naval Air Station, Glynco, Georgia : Utilities, \$252,000.
Naval Construction Battalion Center, Gulfport, Mississippi : Operational facilities, supply facilities, administrative facilities, troop housing and community facilities, and utilities, \$11,988,000.
Naval Air Station, Meridian, Mississippi : Supply facilities, \$277,000.
Naval Shipyard, Charleston, South Carolina : Maintenance facilities, supply facilities, community facilities, and utilities, \$5,932,000.
Naval Supply Center, Charleston, South Carolina : Supply facilities, \$1,271,000.
Naval Weapons Station, Charleston, South Carolina : Supply facilities \$510,000.
Naval Air Station, Memphis, Tennessee : Troop housing, \$5,233,000.

EIGHTH NAVAL DISTRICT

- Naval Support Activity, New Orleans, Louisiana : Operational facilities, \$544,000.
Naval Air Station, Chase Field, Texas : Operational and training facilities, and real estate, \$2,769,000.
Naval Air Station, Corpus Christi, Texas : Utilities, \$496,000.
Naval Air Station, Kingsville, Texas : Maintenance facilities, and troop housing, \$3,876,000.

NINTH NAVAL DISTRICT

- Naval Training Center, Great Lakes, Illinois : Utilities, \$1,060,000.
Naval Avionics Facility, Indianapolis, Indiana : Research, development and test facilities, \$157,000.
OMEGA Navigation Station, LaMoure, North Dakota : Operational facilities, and real estate, \$5,690,000.

ELEVENTH NAVAL DISTRICT

- Naval Shipyard, Long Beach, California : Utilities, \$1,793,000.
Naval Station, Long Beach, California : Utilities, \$511,000.
Navy Fuel Depot, San Pedro, California : Utilities, \$90,000.
Pacific Missile Range, Point Mugu, California : Maintenance facilities, and troop housing, \$554,000.
Naval Construction Battalion Center, Port Hueneme, California : Troop housing, and utilities, \$2,254,000.
Naval Hospital, Camp Pendleton, California : Hospital and medical facilities, \$19,805,000.
Naval Air Station, North Island, California : Maintenance facilities, troop housing, and utilities, \$9,390,000.
Fleet Training Center, San Diego, California : Utilities, \$1,335,000.
Naval Training Center, San Diego, California : Troop housing, \$3,335,000.
Naval Undersea Warfare Center, San Diego, California : Research, development and test facilities, \$6,400,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Lemoore, California: Operational and training facilities, and troop housing, \$6,007,000.

Naval Air Station, Alameda, California: Maintenance facilities, and utilities and ground improvements, \$6,094,000.

Naval Hospital, Oakland, California: Utilities, \$74,000.

Naval Shipyard, San Francisco Bay, California: Maintenance facilities, and utilities at Hunters Point Site and at Mare Island Site, \$12,494,000.

Naval Auxiliary Air Station, Fallon, Nevada: Troop housing, \$3,463,000.

THIRTEENTH NAVAL DISTRICT

Naval Shipyard, Bremerton, Washington: Operational facilities, maintenance facilities, and utilities, \$7,467,000.

Naval Air Station, Whidbey Island, Washington: Operational and training facilities, troop housing, and utilities, \$5,101,000.

FOURTEENTH NAVAL DISTRICT

Naval Shipyard, Pearl Harbor, Oahu, Hawaii: Maintenance facilities, and utilities, \$3,557,000.

Navy Public Works Center, Pearl Harbor, Oahu, Hawaii: Utilities, \$6,519,000.

Naval Facility, Barbers Point, Oahu, Hawaii: Operational facilities, \$2,467,000.

SEVENTEENTH NAVAL DISTRICT

Naval Station, Adak, Alaska: Troop housing, \$4,087,000.

VARIOUS LOCATIONS

Various Naval and Marine Corps Air Activities: Operational facilities, \$766,000.

Various Naval Communication Stations: Utilities, \$2,080,000.

MARINE CORPS FACILITIES

Marine Corps Development and Education Command, Quantico, Virginia: Troop housing, and utilities, \$1,711,000.

Marine Corps Auxiliary Landing Field, Bogue, North Carolina: Maintenance facilities, supply facilities, and utilities, \$620,000.

Marine Corps Base, Camp Lejeune, North Carolina: Maintenance facilities, administrative facilities, community facilities, and utilities, \$4,415,000.

Marine Corps Air Station, Cherry Point, North Carolina: Training facilities, and troop housing, \$1,983,000.

Marine Corps Air Station, New River, North Carolina: Operational facilities, \$256,000.

Marine Corps Recruit Depot, Parris Island, South Carolina: Troop housing, \$5,943,000.

Marine Corps Air Station, Yuma, Arizona: Operational facilities, troop housing, and utilities, \$6,418,000.

Marine Corps Air Station, El Toro, California: Maintenance facilities, and troop housing, \$4,150,000.

Marine Corps Base, Camp Pendleton, California: Community facilities, \$2,536,000.

Marine Corps Recruit Depot, San Diego, California: Troop housing, \$5,601,000.

Marine Corps Air Station, Kaneohe Bay, Oahu, Hawaii: Utilities, \$460,000.

OUTSIDE THE UNITED STATES

TENTH NAVAL DISTRICT

Navy Public Works Center, Guantanamo Bay, Cuba: Utilities, \$2,898,000.

Naval Facility, Ramey Air Force Base, Puerto Rico: Operational facilities, \$65,000.

Naval Station, Roosevelt Roads, Puerto Rico: Troop housing, \$3,995,000.

Naval Communication Station, San Juan, Puerto Rico: Operational facilities, \$87,000.

ATLANTIC OCEAN AREA

Naval Facility, Eleuthera, Bahama Islands: Community facilities, and utilities, \$283,000.

Naval Station, Keflavik, Iceland: Community facilities, \$2,834,000.

EUROPEAN AREA

OMEGA Navigation Station, Bratland, Norway: Operational facilities, \$2,954,000.

PACIFIC OCEAN AREA

Naval Communication Station, Finegayan, Guam, Mariana Islands: Troop housing, \$1,422,000.

Naval Facility, Guam, Mariana Islands: Operational facilities, \$4,419,000.

Naval Hospital, Guam, Mariana Islands: Hospital and medical facilities, \$1,354,000.

Naval Hospital, Yokosuka, Japan: Hospital and medical facilities, \$746,000.

Naval Air Station, Cubi Point, Republic of the Philippines: Operational facilities, maintenance facilities, and supply facilities, \$1,062,000.

Navy Public Works Center, Subic Bay, Republic of the Philippines: Utilities, \$1,770,000.

Naval Station, Sangley Point, Republic of the Philippines: Supply facilities, \$120,000.

VARIOUS LOCATIONS

Various Naval Air Activities: Operational facilities, \$235,000.

Sec. 202. The Secretary of the Navy may establish or develop classified naval installations and facilities by acquiring, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the amount of \$10,810,000.

Classified installations, establishment.

Sec. 203. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install perma-

Construction for unforeseen requirements.

Congressional
committees,
notification.

Authorization
expiration.

80 Stat. 744.

82 Stat. 379.

81 Stat. 284.

82 Stat. 379;
81 Stat. 286.

81 Stat. 287.

nent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of \$10,000,000: *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1970, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 204. (a) Public Law 89-568, as amended, is amended in section 201 under the heading "INSIDE THE UNITED STATES" and subheading "NAVAL AIR SYSTEMS COMMAND (Field Support Stations)" with respect to the Naval Air Station, Oceana, Virginia, by striking out "\$1,466,000" and inserting in place thereof \$1,861,000".

(b) Public Law 89-568, as amended, is amended by striking out in clause (2) of section 602 "\$118,769,000" and \$142,932,000" and inserting respectively in place thereof "\$119,164,000" and "\$143,327,000".

SEC. 205. (a) Public Law 90-110, as amended, is amended in section 201 under the heading "INSIDE THE UNITED STATES" as follows:

(1) Under the subheading "FIFTH NAVAL DISTRICT" with respect to the Naval Amphibious Base, Little Creek, Virginia, and the Fleet Training Center, Norfolk, Virginia, strike out "\$6,220,000" and "\$65,000", respectively, and insert in place thereof "\$6,456,000" and "\$97,000", respectively.

(2) Under the subheading "SIXTH NAVAL DISTRICT" with respect to the Naval Stations, Charleston, South Carolina, strike out "\$4,048,000" and insert in place thereof "\$6,058,000".

(3) Under the subheading "NINTH NAVAL DISTRICT" with respect to the Naval Training Center, Great Lakes, Illinois, strike out "\$6,869,000" and insert in place thereof "\$8,760,000".

(4) Under the subheading "ELEVENTH NAVAL DISTRICT" with respect to the Marine Corps Air Stations, Yuma, Arizona, and El Toro, California, strike out "\$2,133,000" and "\$4,918,000", respectively, and insert in place thereof "\$2,179,000", and "\$5,410,000", respectively.

(5) Under the subheading "THIRTEENTH NAVAL DISTRICT" with respect to the Navy Supply Depot, Seattle, Washington, and the Naval Air Station, Whidbey Island, Washington, strike out "\$252,000" and "\$2,626,000", respectively, and insert in place thereof "\$645,000" and "\$3,122,000".

(6) Under the subheading "FOURTEENTH NAVAL DISTRICT" with respect to the Navy Public Works Center, Pearl Harbor, Oahu, Hawaii, Marine Corps Air Station, Kaneohe Bay, Oahu, Hawaii, and the Naval Ammunition Depot, Oahu, Hawaii, strike out "\$7,636,000", "\$2,554,000", and "\$1,170,000", respectively, and insert in place thereof "\$8,121,000", "\$3,268,000", and "\$1,619,000", respectively.

(7) Under the subheading "MARINE CORPS GROUND FORCES FACILITIES" with respect to the Marine Corps Base, Camp Lejeune, North Carolina, strike out "\$12,507,000" and insert in place thereof "\$12,754,000".

(b) Public Law 90-110, as amended, is amended in section 201 under the heading "OUTSIDE THE UNITED STATES" and subheading "TENTH NAVAL DISTRICT" with respect to the Naval Hospital, Roosevelt Roads, Puerto Rico, by striking out "\$6,283,000" and inserting in place thereof "\$8,181,000".

(c) Public Law 90-110, as amended, is amended in clause (2) of section 802 by striking out "\$415,108,000", "\$39,515,000", and "\$461,407,000" and inserting respectively in place thereof, "\$422,599,000", "\$41,413,000", and "\$470,796,000".

81 Stat. 307;
82 Stat. 379.

SEC. 206. (a) Public Law 90-408 is amended in section 201 under the heading "INSIDE THE UNITED STATES" as follows:

82 Stat. 375.

(1) Under the subheading "SIXTH NAVAL DISTRICT" with respect to the Naval Hospital, Charleston, South Carolina, strike out "\$13,356,000" and insert in place thereof "\$15,687,000."

(2) Under the subheading "ELEVENTH NAVAL DISTRICT" with respect to the Naval Air Station, Imperial Beach, California, strike out "\$5,674,000", and insert in place thereof "\$8,517,000."

(b) Public Law 90-408 is amended in clause (2) of section 802 by striking out "\$229,726,000" and "\$236,591,000" and inserting respectively in place thereof "\$234,900,000" and "\$241,765,000."

82 Stat. 390.

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

Air Force.

INSIDE THE UNITED STATES

AERONAUTICAL CHART AND INFORMATION CENTER

Aeronautical Chart and Information Center, Saint Louis, Missouri: Utilities, \$357,000.

AEROSPACE DEFENSE COMMAND

Duluth Municipal Airport, Duluth, Minnesota: Maintenance facilities, and community facilities, \$225,000.

Hamilton Air Force Base, San Rafael, California: Hospital facilities, troop housing, and real estate, \$4,647,000.

Kingsley Field, Klamath Falls, Oregon: Operational facilities, \$303,000.

NORAD Headquarters, Colorado Springs, Colorado: Operational facilities, \$20,800,000.

Otis Air Force Base, Falmouth, Massachusetts: Operational facilities, \$157,000.

Peterson Field, Colorado Springs, Colorado: Administrative facilities and troop housing, \$1,992,000.

Tyndall Air Force Base, Panama City, Florida: Operational facilities, maintenance facilities, administrative facilities, and troop housing, \$1,540,000.

Volk Field, Camp Douglas, Wisconsin: Operational facilities, \$208,000.

AIR FORCE LOGISTICS COMMAND

Griffiss Air Force Base, Rome, New York: Research, development, and test facilities, \$315,000.

Hill Air Force Base, Ogden, Utah: Maintenance facilities and administrative facilities, \$525,000.

Kelly Air Force Base, San Antonio, Texas: Operational facilities, maintenance facilities, supply facilities, administrative facilities, community facilities, and utilities, \$5,347,000.

McClellan Air Force Base, Sacramento, California: Operational facilities, maintenance facilities, troop housing, and utilities, \$7,385,000.

Newark Air Force Station, Newark, Ohio: Administrative facilities, \$835,000.

Robins Air Force Base, Macon, Georgia: Operational facilities, maintenance facilities, supply facilities, administrative facilities, and community facilities, \$2,086,000.

Tinker Air Force Base, Oklahoma City, Oklahoma: Operational facilities, maintenance facilities, administrative facilities, and utilities, \$2,575,000.

Wright-Patterson Air Force Base, Dayton, Ohio: Research, development, and test facilities, hospital facilities, administrative facilities, and utilities, \$4,825,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee: Research, development, and test facilities, \$1,440,000.

Brooks Air Force Base, San Antonio, Texas: Research, development, and test facilities, \$736,000.

Edwards Air Force Base, Muroc, California: Operational and training facilities, \$394,000.

Eglin Air Force Base, Valparaiso, Florida: Operational facilities, maintenance facilities, research, development, and test facilities, supply facilities, troop housing, and utilities, \$5,897,000.

Holloman Air Force Base, Alamogordo, New Mexico: Operational facilities, maintenance facilities, research, development, and test facilities, supply facilities, and community facilities, \$2,741,000.

Kirtland Air Force Base, Albuquerque, New Mexico: Research, development, and test facilities, community facilities, and utilities, \$1,903,000.

Los Angeles Air Force Station, Los Angeles, California: Research, development, and test facilities, and administrative facilities, \$781,000.

Patrick Air Force Base, Cocoa, Florida: Maintenance facilities, community facilities, and utilities, \$1,108,000.

Eastern Test Range, Cocoa, Florida: Operational facilities, \$43,000.

Satellite Tracking Facilities: Operational facilities and utilities, \$1,021,000.

AIR TRAINING COMMAND

Columbus Air Force Base, Columbus, Mississippi: Operational and training facilities and maintenance facilities, \$635,000.

Craig Air Force Base, Selma, Alabama: Training facilities, administrative facilities, and troop housing, \$1,139,000.

Keesler Air Force Base, Biloxi, Mississippi: Training facilities, hospital facilities, administrative facilities, and troop housing and community facilities, \$3,118,000.

Lackland Air Force Base, San Antonio, Texas: Training facilities, administrative facilities, troop housing, and utilities, \$13,107,000.

Laredo Air Force Base, Laredo, Texas: Operational facilities, and administrative facilities, \$496,000.

Laughlin Air Force Base, Del Rio, Texas: Operational facilities, maintenance facilities, administrative facilities and troop housing, \$1,771,000.

Lowry Air Force Base, Denver, Colorado: Training facilities, maintenance facilities, supply facilities, and troop housing, \$8,241,000.

Mather Air Force Base, Sacramento, California: Operational facilities, and troop housing, \$2,223,000.

Moody Air Force Base, Valdosta, Georgia: Operational facilities, administrative facilities, and community facilities, \$816,000.

Randolph Air Force Base, San Antonio, Texas: Troop housing, \$1,151,000.

Reese Air Force Base, Lubbock, Texas: Operational facilities, administrative facilities, maintenance facilities, and community facilities, \$954,000.

Sheppard Air Force Base, Wichita Falls, Texas: Maintenance facilities, administrative facilities, and troop housing and community facilities, \$4,167,000.

Vance Air Force Base, Enid, Oklahoma: Administrative facilities, \$152,000.

Webb Air Force Base, Big Spring, Texas: Operational facilities, \$435,000.

Williams Air Force Base, Chandler, Arizona: Administrative facilities, hospital facilities, troop housing, and real estate, \$4,462,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska: Utilities, \$578,000.

Elmendorf Air Force Base, Anchorage, Alaska: Operational and training facilities, troop housing and community facilities, and utilities, \$3,528,000.

Various Locations: Operational facilities, maintenance facilities, supply facilities, community facilities, and utilities, \$6,370,000.

HEADQUARTERS AIR FORCE RESERVE

Ellington Air Force Base, Houston, Texas: Operational facilities and real estate, \$957,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland: Operational facilities and utilities, \$813,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma: Operational facilities, maintenance facilities, and troop housing, \$5,358,000.

Charleston Air Force Base, Charleston, South Carolina: Operational facilities, troop housing, and utilities, \$3,192,000.

Dover Air Force Base, Dover, Delaware: Operational facilities, maintenance facilities, supply facilities, utilities and real estate, \$7,519,000.

McChord Air Force Base, Tacoma, Washington: Operational facilities, maintenance facilities, and troop housing, \$1,699,000.

McGuire Air Force Base, Wrightstown, New Jersey: Operational facilities, supply facilities, community facilities, and utilities, \$1,664,000.

Norton Air Force Base, San Bernardino, California: Operational facilities, maintenance facilities, supply facilities, troop housing, and utilities, \$3,184,000.

Scott Air Force Base, Belleville, Illinois: Troop housing, \$329,000.

Travis Air Force Base, Fairfield, California: Operational and training facilities, hospital facilities, administrative facilities, and utilities, \$11,865,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii: Maintenance facilities, \$209,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Shreveport, Louisiana: Administrative facilities, operational facilities, \$549,000.

Beale Air Force Base, Marysville, California: Maintenance facilities, \$126,000.

Carswell Air Force Base, Fort Worth, Texas: Operational facilities and maintenance facilities, \$236,000.

Castle Air Force Base, Merced, California: Troop housing, \$597,000.

Davis-Monthan Air Force Base, Tucson, Arizona: Operational facilities, maintenance facilities, troop housing, and utilities, \$2,459,000.

Ellsworth Air Force Base, Rapid City, South Dakota: Community facilities, and utilities, \$1,028,000.

Francis E. Warren Air Force Base, Cheyenne, Wyoming: Community facilities, \$587,000.

Fairchild Air Force Base, Spokane, Washington: Operational and training facilities, maintenance facilities, administrative facilities, and troop housing and community facilities, \$5,236,000.

Grand Forks Air Force Base, Grand Forks, North Dakota: Maintenance facilities, \$178,000.

Grissom Air Force Base, Peru, Indiana: Maintenance facilities and utilities, \$231,000.

Little Rock Air Force Base, Little Rock, Arkansas: Maintenance facilities, \$186,000.

Loring Air Force Base, Limestone, Maine: Maintenance facilities, troop housing, and utilities, \$800,000.

Malmstrom Air Force Base, Great Falls, Montana: Operational facilities and utilities, \$284,000.

Minot Air Force Base, Minot, North Dakota: Maintenance facilities, \$265,000.

Offutt Air Force Base, Omaha, Nebraska: Operational facilities, community facilities, and utilities, \$2,532,000.

Pease Air Force Base, Portsmouth, New Hampshire: Operational facilities and maintenance facilities, \$263,000.

Plattsburgh Air Force Base, Plattsburgh, New York: Maintenance facilities: \$174,000.

Vandenberg Air Force Base, Lompoc, California: Utilities, \$394,000.

Westover Air Force Base, Chicopee Falls, Massachusetts: Utilities, \$488,000.

Whiteman Air Force Base, Knob Noster, Missouri: Administrative facilities, \$157,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas: Maintenance facilities, \$415,000.

Blytheville Air Force Base, Blytheville, Arkansas: Hospital facilities, and troop housing, \$1,847,000.

Cannon Air Force Base, Clovis, New Mexico: Maintenance facilities and community facilities, \$939,000.

England Air Force Base, Alexandria, Louisiana: Operational and training facilities, supply facilities, and troop housing, \$1,372,000.

Forbes Air Force Base, Topeka, Kansas: Maintenance facilities, administrative facilities, troop housing, and utilities, \$1,608,000.

George Air Force Base, Victorville, California: Operational facilities, supply facilities, administrative facilities, troop housing, community facilities, and utilities, \$3,234,000.

Homestead Air Force Base, Homestead, Florida: Troop housing, \$198,000.

Langley Air Force Base, Hampton, Virginia: Operational facilities and administrative facilities, \$560,000.

Luke Air Force Base, Phoenix, Arizona: Operational facilities, and troop housing, \$5,636,000.

MacDill Air Force Base, Tampa, Florida: Operational facilities, maintenance facilities, and utilities, \$642,000.

McConnell Air Force Base, Wichita, Kansas: Troop housing, \$231,000.

Mountain Home Air Force Base, Mountain Home, Idaho: Operational facilities, maintenance facilities, and troop housing, \$1,476,000.

Nellis Air Force Base, Las Vegas, Nevada: Operational facilities, maintenance facilities, troop housing, and utilities, \$6,514,000.

Pope Air Force Base, Fayetteville, North Carolina: Operational facilities, maintenance facilities, administrative facilities, and troop housing, \$2,097,000.

Seymour Johnson Air Force Base, Goldsboro, North Carolina: Maintenance facilities, \$137,000.

Shaw Air Force Base, Sumter, South Carolina: Operational and training facilities, administrative facilities, and troop housing, \$1,835,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado: Training facilities, administrative facilities, and utilities, \$551,000.

AIRCRAFT CONTROL AND WARNING SYSTEM

Various Locations: Maintenance facilities, troop housing and community facilities, and utilities, \$1,324,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Goodfellow Air Force Base, San Angelo, Texas: Troop housing, \$957,000.

OUTSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Various Locations: Maintenance facilities, \$407,000.

AIR FORCE SYSTEMS COMMAND

Western Test Range: Research, development, and test facilities, \$2,292,000.

Satellite Tracking Facilities: Utilities, \$287,000.

PACIFIC AIR FORCES

Various Locations: Operational facilities, maintenance facilities, troop housing and community facilities, and utilities, \$7,904,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam: Operational facilities, maintenance facilities, supply facilities, and community facilities, \$1,265,000.

UNITED STATES AIR FORCES IN EUROPE

Germany: Operational facilities, maintenance facilities, and supply facilities, \$5,730,000.

United Kingdom: Operational and training facilities, maintenance facilities, supply facilities, and troop housing, \$9,040,000.

Various Locations: Operational facilities, maintenance facilities, and utilities, \$678,000.

UNITED STATES AIR FORCES SOUTHERN COMMAND

Howard Air Force Base, Canal Zone: Operational facilities, maintenance facilities, and troop housing, \$3,246,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Various Locations: Operational facilities, and utilities, \$300,000.

Classified installations, establishment. SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of \$29,234,000.

Construction for unforeseen requirements. SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of \$10,000,000: *Provided*, That the Secretary of the Air Force or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1970, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

Notification of congressional committees. SEC. 304. (a) Public Law 90-110, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 301, as follows:

(1) Under the subheading "AIR TRAINING COMMAND" with respect to Chanute Air Force Base, Rantoul, Illinois, strike out "\$2,523,000" and insert in place thereof "\$3,507,000".

(2) Under the subheading "PACIFIC AIR FORCE" with respect to Hickam Air Force Base, Honolulu, Hawaii, strike out "\$2,566,000" and insert in place thereof "\$3,034,000".

(3) Under the subheading "STRATEGIC AIR COMMAND" with respect to Wurtsmith Air Force Base, Oscoda, Michigan, strike out "\$1,053,000" and insert in place thereof "\$1,628,000".

(4) Under the subheading "TACTICAL AIR COMMAND" with respect to Langley Air Force Base, Hampton, Virginia, strike out "\$2,243,000" and insert in place thereof "\$2,744,000".

Authorization expiration. (b) Public Law 90-110, as amended, is amended under the heading "OUTSIDE THE UNITED STATES" in section 301 as follows:

81 Stat. 294.

81 Stat. 295.

81 Stat. 296.

81 Stat. 297.

(1) Under the subheading "STRATEGIC AIR COMMAND" with respect to Goose Air Base, Canada, strike out "\$90,000" and insert in place thereof "\$136,000".

81 Stat. 298.

(c) Public Law 90-110, as amended, is amended by striking out in clause (3) of section 802 "\$312,050,000", "\$26,904,000", and "\$398,376,000" and inserting in place thereof "\$314,578,000", "\$26,950,000", and "\$400,950,000", respectively.

81 Stat. 307.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies for the following acquisition and construction:

Defense agencies.

INSIDE THE UNITED STATES

DEFENSE ATOMIC SUPPORT AGENCY

Sandia Base, New Mexico: Supply facilities, and utilities, \$495,000.
Manzano Base, New Mexico: Utilities, \$36,000.

DEFENSE SUPPLY AGENCY

Defense Construction Supply Center, Columbus, Ohio: Supply facilities, \$300,000.

Defense Depot, Mechanicsburg, Pennsylvania: Supply facilities, \$318,000.

Defense Depot, Memphis, Tennessee: Supply facilities, \$827,000.

Defense Depot, Ogden, Utah: Supply facilities and utilities, \$1,052,000.

Defense General Supply Center, Richmond, Virginia: Supply facilities, and utilities, \$468,000.

Defense Industrial Plant Equipment Facility, Atchison, Kansas: Utilities, \$39,000.

Defense Personnel Support Center, Philadelphia, Pennsylvania: Supply facilities, \$603,000.

Defense Depot, Tracy, California: Utilities, \$882,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland: Troop housing facilities and utilities, \$4,678,000.

Vint Hill Farms Station, Virginia: Supply facilities, \$1,000,000.

Classified Location: Operational facilities, \$3,564,000.

OUTSIDE THE UNITED STATES

DEFENSE ATOMIC SUPPORT AGENCY

Johnston Island: Operational facilities, \$1,903,000.

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment in the total amount of \$25,000,000: *Provided*, That the Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immedi-

Classified installations, establishment.

Notification of congressional committees.

ately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including real estate actions pertaining thereto.

82 Stat. 386.

SEC. 403. (a) Public Law 90-408 is amended in section 401 under the heading "INSIDE THE UNITED STATES" and subheading "NATIONAL SECURITY AGENCY" with respect to Fort Meade, Maryland, by striking out "\$2,121,000" and inserting in place thereof "\$2,609,000."

82 Stat. 390.

(b) Public Law 90-408 is amended in clause (4) of section 802 by striking out "\$81,696,000" and inserting in place thereof "\$82,184,000."

TITLE V

MILITARY FAMILY HOUSING

Construction authorization.

Notification of congressional committees.

Army.

Navy.

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and trailer court facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secretary, Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

Family Housing units—

(a) The Department of the Army, twelve hundred units, \$25,060,000:

Fort Huachuca, Arizona, one hundred units.

Fort Carson, Colorado, one hundred and fifty units.

Fort Benning, Georgia, three hundred and forty units.

Fort Polk, Louisiana, two hundred and sixty units.

Fort Meade, Maryland, two hundred and fifty units.

Vint Hill Farms Station, Virginia, one hundred units.

(b) The Department of the Navy, one thousand nine hundred and fifty units, \$47,517,000:

Naval Station, Adak, Alaska, one hundred units.

Marine Corps Air Station, Yuma, Arizona, one hundred units.

Marine Corps Base, Camp Pendleton, California, one hundred and two units.

Naval Air Station, Lemoore, California, one hundred and ninety units.

Naval Station, Key West, Florida, two hundred units.

Naval Air Test Center, Patuxent River, Maryland, two hundred units.

Naval Air Station, Quonset Point, Rhode Island, one hundred units.

Armed Forces Staff College, Norfolk, Virginia, forty-eight units.

Naval Complex, Bremerton, Washington, two hundred units.

Naval Facility, Pacific Beach, Washington, ten units.

Naval Station, Guam, two hundred units.

Naval Station, Keflavik, Iceland, one hundred units.

Naval Station, Subic Bay, Republic of the Philippines, three hundred units.

Naval Communication Station, San Miguel, Republic of the Philippines, one hundred units.

(e) The Department of the Air Force, one thousand six hundred and fifty units, \$33,855,000:

Air Force.

Davis-Monthan Air Force Base, Arizona, three hundred units.

Luke Air Force Base, Arizona, one hundred and fifty units.

Blytheville Air Force Base, Arkansas, two hundred units.

Eglin Air Force Base, Florida, three hundred units.

McConnell Air Force Base, Kansas, one hundred units.

Nellis Air Force Base, Nevada, three hundred units.

Bergstrom Air Force Base, Texas, one hundred units.

Clark Air Base, Republic of the Philippines, two hundred units.

SEC. 502. Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures:

Cost
limitations.

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) and Puerto Rico shall not exceed \$21,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(b) No family housing unit in the areas listed in subsection (a) shall be constructed at a total cost exceeding \$40,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(c) When family housing units are constructed in areas other than those listed in subsection (a) the average cost of all such units shall not exceed \$32,000 and in no event shall the cost of any unit exceed \$40,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 503. Except as provided in section 504 of this Act, and notwithstanding the limitations contained in prior Military Construction Authorization Acts on cost of construction of family housing, the limitations on such cost contained in section 502 of this Act shall apply to all prior authorizations for construction of family housing not heretofore repealed and for which construction contracts have not been executed by the date of enactment of this Act.

Retroactive
provisions.

SEC. 504. Nothing contained in this Act and nothing contained in section 603 of Public Law 90-408 (82 Stat. 367, 388) shall be deemed to affect the cost limitations provided in subsection 602(d) of Public Law 90-408 (82 Stat. 367, 388) with respect to construction of family housing units at George Air Force Base, California.

George Air
Force Base,
Calif.

SEC. 505. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

Alterations,
etc.; cost
limitation.

(a) for the Department of the Army, \$2,101,000.

(b) for the Department of the Navy, \$4,500,000.

(c) for the Department of the Air Force, \$4,500,000.

(d) for the Defense Agencies, \$439,000.

Foreign countries.

Housing costs limitation.

Leasing facilities.
81 Stat. 305;
82 Stat. 388.
10 USC 2674
note.
Athens, Ga.

Foreign countries; rental return.
81 Stat. 304;
82 Stat. 388.
42 USC 1594k.
Relocation of units.

Congressional committees, notification.

Size limitation, increase.
70A Stat. 468;
76 Stat. 239.

70A Stat. 269,
590.

Family housing management account.
42 USC 1594a-1.

SEC. 506. The Secretary of Defense, or his designee, is authorized to construct, or otherwise acquire, in foreign countries, thirty family housing units. This authority shall include the authority to acquire land and interests in land, and shall be limited to such projects as may be funded by use of excess foreign currencies when so provided in Department of Defense Appropriation Acts. The authorization contained in this section shall not be subject to the cost limitations set forth in section 502 of this Act: *Provided*, That no family housing unit constructed or acquired pursuant to this authorization shall cost in excess of \$60,000, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 507. Section 515 of Public Law 84-161 (69 Stat. 324, 352) as amended, is amended by (1) striking out "1969 and 1970" in the first sentence and inserting in lieu thereof "1970 and 1971", (2) inserting "and the Naval Supply Corps School, Athens, Georgia," immediately after "Kansas," in the last sentence, and (3) adding at the end of such section a new sentence as follows: "In no case may any housing unit be leased under authority of this section at a monthly rental in excess of \$250, including the cost of utilities and maintenance, and operation."

SEC. 508. Section 507 of Public Law 88-174 (77 Stat. 307, 326) as amended, is amended by striking out "1969 and 1970" and inserting in lieu thereof "1970 and 1971".

SEC. 509. The Secretary of Defense, or his designee, is authorized to relocate four hundred and forty-four family housing units to military installations where there are housing shortages, from installations as follows: two hundred relocatable units from Kinceloe Air Force Base, Michigan; eighteen relocatable units from Sundance Air Force Station, Wyoming; and two hundred and twenty-six United States manufactured units from a classified overseas location: *Provided*, That the Secretary of Defense shall notify the Committees on Armed Services of the House of Representatives and the Senate of the proposed new locations and estimated costs, and no contract shall be awarded within thirty days of such notification.

SEC. 510. (a) Section 7574 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"(f) The maximum limitations prescribed by subsections (a), (d), and (e) may be increased up to 15 per centum if the Secretary of Defense, or his designee, determines that such increase is in the best interest of the Government to permit award of a turnkey construction contract for family housing to the contractor offering the most satisfactory proposal."

(b) Sections 4774 and 9774 of title 10, United States Code, are amended by adding the following new subsection at the end of each:

"(h) The maximum limitations prescribed by subsections (a), (f), and (g) may be increased up to 15 per centum if the Secretary of Defense, or his designee, determines that such increase is in the best interest of the Government to permit award of a turnkey construction contract for family housing to the contractor offering the most satisfactory proposal."

SEC. 511. The third clause of section 501(b) of Public Law 87-554 (76 Stat. 223, 237) as added by section 606 of Public Law 90-110 (81 Stat. 279, 304), is amended to read as follows: "and (3) notwithstanding any other provision of law, for the purpose of debt service, proceeds of the handling and the disposal of family housing of the Department of Defense, including related land and improvements,

whether handled or disposed of by the Department of Defense or any other Federal Agency, but less those expenses payable pursuant to section 204(b) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 485(b)), to remain available until expended."

68 Stat. 1051.

SEC. 512. Notwithstanding any other provision of law limiting the term of a contract, the Secretary of Defense, or his designee, may enter into contracts for periods of not more than 4 years for supplies and services required for the maintenance and operation of family housing for which funds would otherwise be available only within the fiscal year for which appropriated.

SEC. 513. The Secretary of Defense, or his designee, is authorized to accomplish repairs and improvements to existing public quarters in amounts in excess of the \$10,000 limitation prescribed in section 610(a) of Public Law 90-110 as amended (81 Stat. 279, 305), as follows:

Repairs and
improvements,
cost limitation,
exceptions.

Redstone Arsenal, Alabama, one unit, \$11,000.

United States Military Academy, West Point, New York, thirty-nine units, \$513,200.

Naval Station, Adak, Alaska, twenty units, \$232,000.

Marine Corps Barracks, Washington, District of Columbia, four units, \$108,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, one unit, \$14,100.

SEC. 514. Subsection 601(b) of Public Law 90-408 (82 Stat. 367, 387) is amended by striking out "\$15,725,000" and inserting in lieu thereof "\$17,000,000."

Navy.

SEC. 515. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

Appropriation.

(a) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, rental guarantee payments, construction and acquisition of trailer court facilities, and planning, an amount not to exceed \$125,833,000, and

(b) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payments to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed \$563,685,000.

68 Stat. 603.

TITLE VI

HOMEOWNERS ASSISTANCE

SEC. 601. Section 701 of Public Law 90-110 (81 Stat. 279, 306) is amended by changing the semicolon to a period after "\$27,000,000" and deleting all language thereafter.

SEC. 602. Section 1013 of Public Law 89-754 (80 Stat. 1255, 1290) is amended as follows:

(a) In the third sentence of subsection 1013(c) after the word "installation" delete the phrase "and prior to the one hundred and twentieth day after the enactment of this Act".

Property ac-
quisition at
closed military
bases.

42 USC 3374.
Mortgage fore-
closures.

(b) At the end of subsection 1013(d) delete the period, substitute a colon therefor, and add the following: "*Provided further*, That no properties in foreign countries shall be acquired under this section."

Foreign prop-
erties, exclusion.

TITLE VII

GENERAL PROVISIONS

Construction authority.
Waiver of restrictions.
 70A Stat. 269,
 590.

SEC. 701. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Appropriation.

SEC. 702. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, and V shall not exceed—

- (1) for title I: Inside the United States, \$175,853,000; outside the United States, \$104,135,000; or a total of \$279,988,000.
- (2) for title II: Inside the United States, \$271,251,000; outside United States, \$24,244,000; section 202, \$10,810,000; or a total of \$306,305,000.
- (3) for title III: Inside the United States, \$208,611,000; outside the United States, \$31,149,000; section 302, \$29,234,000; or a total of \$268,994,000.
- (4) for title IV: A total of \$41,165,000.
- (5) for title V: Military family housing, \$689,518,000.

Cost variations.

SEC. 703. (a) Except as provided in subsection (b), any of the amounts specified in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum when inside the United States (other than Alaska), and by 10 per centum when outside the United States or in Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. However, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secretary concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

Conditions.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

- (1) the estimated cost of such project is \$250,000 or more, and
- (2) the current working estimate of the Department of Defense, based on bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress, until after the expiration of thirty

days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase has been submitted to the Committees on Armed Services of the House of Representatives and the Senate.

Report to congressional committees.

(d) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

Report to Congress.

SEC. 704. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts awarded by each of the several construction agencies selected, together with the design, construction supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report semi-annually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

Contract supervision.

Reports to Congress.

SEC. 705. (a) As of October 1, 1970, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, IV, and V of the Act of July 21, 1968, Public Law 90-408 (82 Stat. 367), and all such authorizations contained in Acts approved before July 22, 1968, and not superseded or otherwise modified by a later authorization are repealed except—

70A Stat. 127.
10 USC 2301-
2314.

Reports to Congress.

Repeals.

(1) authorizations for public works and for appropriations therefor that are set forth in these Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts or land acquisitions in whole or in part before October 1, 1970, and authorizations for appropriations therefor; and

(3) notwithstanding the repeal provisions of section 805(a) of the Act of July 21, 1968 (82 Stat. 367, 390), authorizations for the following items which shall remain in effect until October 1, 1971:

Exceptions.

(a) utilities in the amount of \$1,800,000 at Fort Richardson, Alaska, that is contained in title I section 101 of the Act of October 21, 1967 (81 Stat. 281).

(b) operational facilities and utilities in the amount of \$846,000 for the United States Army Air Defense Command in CONUS, Various Locations that is contained in title I, section 101 of the Act of October 21, 1967 (81 Stat. 281).

(c) maintenance facilities in the amount of \$528,000 for Naval Shipyard, Norfolk, Virginia, that is contained in title II, section 201, under the heading "FIFTH NAVAL DISTRICT" of the Act of October 21, 1967 (81 Stat. 285).

(d) supply facilities in the amount of \$110,000 for Naval Supply Center, Norfolk, Virginia, that is contained in title II, section 201, under the heading "FIFTH NAVAL DISTRICT" of the Act of October 21, 1967 (81 Stat. 286).

(e) maintenance facilities in the amounts of \$260,000 and \$585,000 for Naval Submarine Base, Pearl Harbor, Oahu, Hawaii, and Naval Ammunition Depot, Oahu, Hawaii, respectively, that are contained in title II, section 201, under the heading "FOURTEENTH NAVAL DISTRICT" of the Act of October 21, 1967 (81 Stat. 287).

(f) utilities in the amount of \$612,000 for Fort Lee, Virginia, that is contained in title I, section 101, under the heading "UNITED STATES CONTINENTAL ARMY COMMAND" of the Act of October 12, 1967 (81 Stat. 279).

Repeals, effective date. (b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing, including trailer court facilities, all authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and all authorizations for related facilities projects, which are contained in this or any previous Act, are hereby repealed, except—

(1) authorizations for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions or manufactured structural component contracts in whole or in part before such date; and

(2) notwithstanding the repeal provision of section 805(b) of the Act of July 21, 1968 (82 Stat. 367, 391), authorizations for two hundred family housing units at George Air Force Base, California, and for two hundred and fifty family housing units at Mountain Home Air Force Base, Idaho, that are contained in the Act of July 21, 1968 (82 Stat. 367, 387); and

(3) authorizations to accomplish alterations, additions, expansions or extensions to existing family housing, and authorizations for related facilities projects, as to which appropriated funds have been obligated for construction contracts before such date.

Unit cost limitations. SEC. 706. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction cost index is 1.0:

- (1) \$36 per square foot for cold storage warehousing;
- (2) \$9 per square foot for regular warehousing;
- (3) \$2,750 per man for permanent barracks;
- (4) \$10,000 per man for bachelor officer quarters;

unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable: *Provided*, That notwithstanding the limitations contained in prior

Military Construction Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

SEC. 707. Section 607(b) of Public Law 89-188, as amended, is amended by deleting the words "December 31, 1970" wherever they appear and inserting in lieu thereof "January 1, 1975".

SEC. 708. Notwithstanding the restriction imposed by section 809 of the Act of October 21, 1967, Public Law 90-110 (81 Stat. 309), the Secretary of the Army is authorized to make available to the Post Office Department for postal services only a site on Fort DeRussy, Hawaii, located northeast of Kalia Road and not to exceed one acre, for the construction of a post office, subject to such terms and conditions as the Secretary of the Army deems necessary.

SEC. 709. The President is authorized to establish and conduct an International Aeronautical Exposition (hereafter in this Act referred to as the "exposition"), with appropriate emphasis on military aviation, at a location of his choice within the United States. The exposition shall be held at such time, but not later than 1971, as the President may deem appropriate.

For the purpose of conducting the exposition, the President is authorized—

(1) to appoint and fix the compensation of such officers and employees as he may deem appropriate, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates;

(2) to obtain temporary or intermittent services as authorized by section 3109(b) of title 5, United States Code, at rates not to exceed \$100 per diem in the case of any individual;

(3) to charge and collect admission, exhibition, and other fees;

(4) to accept donations of money, property, or personal services;

(5) to request the head of any department or agency to detail personnel to assist in the conduct of the exposition, and the head of each such department or agency is authorized to detail personnel for such purpose, with or without reimbursement;

(6) to acquire (by purchase, lease, or otherwise), construct, maintain, and improve real and personal property and interests therein;

(7) to enter and perform, with any person or body politic, contracts, leases, cooperative agreements, or other transactions on such terms as he may deem appropriate, without regard to the provisions of section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) and section 321 of the Act of June 30, 1932 (40 U.S.C. 303b);

(8) to establish and prescribe the functions of such advisory committees as he may deem appropriate; and

(9) subject to such supervision and review as he may prescribe, to delegate to the Secretary of Defense, the Secretary of Commerce, or to such other person he may select any of his authority under this Act.

No officer or employee appointed to a position under this Act shall receive compensation at a rate in excess of the maximum rate payable under the General Schedule of chapter 53 of title 5, United States Code, as amended, nor shall any such officer or employee receive compensation at a rate in excess of the rate payable under the General

79 Stat. 818;
80 Stat. 756.

Fort DeRussy,
Hawaii; post
office site.

International
Aeronautical
Exposition.
Presidential
authorization.

80 Stat. 443,
467.
5 USC 5101,
5331, 5332 note.
80 Stat. 416.

47 Stat. 412.

Schedule to an officer or employee in a position of the same level of difficulty and responsibility.

Individuals appointed under this Act to positions in recognized trades or crafts, or in unskilled, semiskilled, or skilled manual labor occupations, shall receive compensation in accordance with prevailing wage board rates at the location selected by the President.

Any property acquired under this Act and remaining upon the termination of the exposition shall become the property of the Department of Defense or such other Federal department or agency as the President may direct.

The net revenues derived from the exposition, after payment of the expenses of the exposition, shall be deposited in the Treasury of the United States as miscellaneous receipts.

To the extent that appropriations made to any Government department or agency are available for such purpose, such department or agency is authorized to participate in the exposition, as an exhibitor or otherwise.

Appropriation.

There are authorized to be appropriated such sums, not to exceed \$750,000, as may be necessary to carry out the provisions of this Act. Sums appropriated under this section shall remain available until expended.

Citation of titles.

SEC. 710. Titles I, II, III, IV, V, VI, and VII of this Act may be cited as the "Military Construction Authorization Act, 1970."

TITLE VIII

RESERVE FORCES FACILITIES

Reserve Forces Facilities Authorization Act, 1970.
70A Stat. 120.
10 USC 2231-2238.

SEC. 801. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For Department of the Army:

- (a) Army National Guard of the United States, \$10,950,000.
- (b) Army Reserve, \$6,000,000.

(2) For Department of the Navy: Naval and Marine Corps Reserves: \$8,500,000.

(3) For Department of the Air Force:

- (a) Air National Guard of the United States, \$11,500,000;
- (b) Air Force Reserve, \$4,000,000.

Construction authority.

SEC. 802. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Grand Prairie, Tex. Conveyance.

SEC. 803. The Secretary of Defense, or his designee, is authorized to convey to the city of Grand Prairie, Texas, under such terms as he deems appropriate, the one hundred and ten acres, more or less, together with the improvements thereon, in the city of Grand Prairie, Texas, which is presently licensed to the State of Texas, for the use of the Army National Guard, subject to the condition that said city provide alternate facilities for the Army National Guard in accordance

with Department of Defense criteria, title to which alternate facilities shall vest in the State of Texas: *Provided*, That such alternate facilities be constructed without additional cost to the Federal Government: *And provided further*, That should the fair market value of the said one hundred and ten acres be in excess of the actual cost of design and construction of such alternate facilities to said city, exclusive of any contribution made by the State of Texas, the city shall pay to the Federal Government an amount equal to such excess.

SEC. 804. The Secretary of Defense, or his designee, is authorized to convey to the Commonwealth of Puerto Rico under such terms as he deems appropriate the forty-three acres, more or less, together with any improvements thereon, formerly known as the Air Force San Patricio Fuel Storage site, subject to the conditions that the Commonwealth provide new facilities for the Army National Guard in accordance with the Department of Defense criteria, title to the facilities which vest in the Commonwealth Government: *Provided*, That such facilities be constructed without additional cost to the Federal Government: *And provided further*, That should the fair market value of said forty-three acres be in excess of the total cost of design and construction of such facilities to the Commonwealth, exclusive of any contribution which would normally be required to be made by the Commonwealth, the Commonwealth shall pay to the Federal Government an amount equal to such excess.

SEC. 805. (a) The Secretary of the Army is authorized to convey by quitclaim deed to the State of Washington all right, title, and interest of the United States, except as retained in this section, in and to a certain parcel of land located in the city of Seattle, King County, Washington, containing fifteen acres, or less, together with all buildings and improvements thereon, being part of the property known as the National Guard facility, pier 91, Seattle, Washington, as shown more particularly on a map on file in the office of the district engineer, United States Army Engineer District, Seattle, Washington.

(b) The conveyance authorized by this section shall be in consideration of and subject to the following terms and conditions:

(1) The property to be conveyed shall be used primarily as a site for the construction of a nine-unit or larger National Guard Armory and related facilities for National Guard training and other military purposes, and in the event construction of the armory is not completed within five years from the date of the conveyance, or if, thereafter, the property conveyed hereby ceases to be used for National Guard purposes during the period of twenty-five years from the date of the acceptance of the completed armory, title thereto shall immediately revert to the United States and all improvements made by the State of Washington during its occupancy shall vest in the United States without payment of compensation therefor.

(2) All mineral rights, including gas and oil, in the lands authorized to be conveyed by this section shall be reserved to the United States.

(3) The Secretary of the Army shall reserve from the conveyance such easements and rights-of-way for roads and utilities as he considers necessary for the operations of the military facilities in the vicinity.

(4) In time of war or national emergency declared by the Congress, or national emergency declared by the President, and upon a determination by the Secretary of Defense that the property, or any part thereof, is useful or necessary for national defense and security, the Secretary of the Army on behalf of the United States shall have the right to enter upon and use the property or part thereof, including any

Air Force
San Patricio
Fuel Storage
site, P.R.
Conveyance.

National Guard
facility, Seattle,
Wash.
Conveyance.

Terms and
conditions.

Mineral rights.

Easements and
rights-of-way.

Use by U.S.
during emergency.

and all improvements made thereon by the State, for a period not to exceed the duration of such war or emergency and six months. Upon termination of such use, the property shall revert to the State, in equally good condition less wear and tear, together with all improvements placed thereon by the United States and subject to the terms, conditions, and limitations on use and disposition previously imposed. Such use by the United States under this provision shall be without obligation or payment on the part of the United States.

(5) The Secretary of the Army is also authorized to include in the conveyance such other terms and conditions as he may deem necessary to protect the interests of the United States.

(c) Notwithstanding the provisions of section 2233 of title 10, United States Code, the State of Washington shall construct an armory on the property to be conveyed under this section without contribution of Federal funds therefore, in lieu of paying monetary consideration for said conveyance.

(d) The cost of any surveys necessary as an incident of the conveyance authorized herein shall be borne by the grantee.

(e) The Secretary of the Army is authorized to determine and enforce compliance with the conditions, reservations, and restrictions contained in this section and any related documents.

SEC. 806. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1970".

Approved December 5, 1969.

70A Stat. 121;
72 Stat. 1456.

Citation of
title.

Public Law 91-143

December 9, 1969
[S. 2185]

AN ACT

To authorize a Federal contribution for the effectuation of a transit development program for the National Capital region, and to further the objectives of the National Capital Transportation Act of 1965 (79 Stat. 663) and Public Law 89-774 (80 Stat. 1324).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. That this Act may be cited as the "National Capital Transportation Act of 1969".

DEFINITIONS

SEC. 2. For the purposes of this Act—

(1) The term "Adopted Regional System" means that system described in the Transit Authority's report entitled "Adopted Regional Rapid Rail Transit Plan and Program, March 1, 1968 (revised February 7, 1969)", as that system may hereafter be altered, revised, or amended in accordance with the Compact.

(2) The term "Compact" means the Washington Metropolitan Area Transit Authority Compact (Public Law 89-774; 80 Stat. 1324).

(3) The term "Transit Authority" means the Washington Metropolitan Area Transit Authority established under article III of the Compact.

D.C. Code
1-1431 note.

AUTHORIZATION OF FEDERAL CONTRIBUTIONS

SEC. 3. (a) To provide the Federal share of the cost of the Adopted Regional System, which system supersedes that heretofore authorized

by the Congress in the National Capital Transportation Act of 1965 (Public Law 89-173; 79 Stat. 663), the Secretary of Transportation is authorized to make annual contributions to the Transit Authority in amounts sufficient to finance in part the cost of the Adopted Regional System; except that the aggregate amount of Federal contributions for the Adopted Regional System, including the \$100,000,000 authorized to be appropriated by section 5(a)(1) of the National Capital Transportation Act of 1965, shall not exceed the lower amount of \$1,147,044,000 or two-thirds of the net project cost of the Adopted Regional System.

(b) Federal contributions for the Adopted Regional System shall be subject to the following limitations and conditions:

(1) The work for which contributions are authorized shall be subject to the provisions of the Compact and shall be carried out substantially in accordance with the plans and schedules for the Adopted Regional System.

(2) The aggregate amount of such Federal contributions on or prior to the last day of any given fiscal year shall be matched by the local participating governments by payment of the local share of capital contributions required for the period ending with the last day of such year in a total amount not less than 50 per centum of the amount of such Federal contributions.

(c) There is authorized to be appropriated to the Secretary of Transportation, without fiscal year limitation, not to exceed \$1,047,044,000 to carry out the purposes of this section. The appropriations authorized by this subsection shall be in addition to the appropriations authorized by section 5(a)(1) of the National Capital Transportation Act of 1965.

^{40 USC 681}
note.

Limitations
and conditions.

^{Local govern-}
ments, share of
payments.

AUTHORIZATION OF DISTRICT OF COLUMBIA CONTRIBUTIONS

SEC. 4. (a) To provide the District of Columbia share of the cost of the Adopted Regional System, the Commissioner of the District of Columbia is authorized to contract with the Transit Authority to make annual capital contributions aggregating not to exceed \$216,500,000. To carry out the purposes of this section there is authorized to be appropriated out of the general fund of the District of Columbia, without fiscal year limitation, not to exceed \$166,500,000.

(b) The last sentence of paragraph (3) of subsection (b) of the first section of the Act of June 6, 1958 (D.C. Code, sec. 9-220(b)(3)), is amended by striking out "\$50,000,000 of the principal amount of the loans authorized to be made to the Commissioners under this subsection shall be utilized to carry out the purposes of the National Capital Transportation Act of 1965 (D.C. Code, secs. 1-1404, 1-1421—1-1426); and" and inserting in lieu thereof "\$216,500,000 of the principal amount of the loans authorized to be made to the Commissioner under this subsection shall be utilized to make the contributions authorized by section 4 of the National Capital Transportation Act of 1969. To such extent, not exceeding \$166,500,000, as may be necessary for this purpose, the District of Columbia may exceed the limitation on aggregate indebtedness established pursuant to this subsection."

^{81 Stat. 340.}

^{79 Stat. 663;}
^{80 Stat. 1353.}

(c) The appropriations authorized by subsection (a) of this section shall be in addition to the appropriations authorized on behalf of the District of Columbia by section 5(a)(2) of the National Capital Transportation Act of 1965.

(d) The Commissioner of the District of Columbia is further authorized to contract with the Transit Authority and to pay in

^{79 Stat. 665.}
D.C. Code
1-1424.

accordance with the terms thereof for the service to be provided to the District of Columbia by the Adopted Regional System.

CONSTRUCTION APPROVALS

SEC. 5. (a) No portion of the Adopted Regional System shall be constructed within the United States Capitol Grounds except upon approval of the Commission for Extension of the United States Capitol.

(b) Construction of the Adopted Regional System in, on, under, or over public space in the District of Columbia under the jurisdiction of the Commissioner of the District of Columbia shall, in the interest of public convenience and safety, be performed in accordance with schedules agreed upon between the Transit Authority and the Commissioner, to the end that such construction work will be coordinated with other construction work in such public space; and the Commissioner shall so exercise his jurisdiction and control over such public space as to facilitate the Transit Authority's use and occupation thereof for construction of the Adopted Regional System.

REPAYMENT FROM EXCESS REVENUES

SEC. 6. To the extent that revenues or other receipts derived from or in connection with the ownership or operation of the Adopted Regional System (other than service payments under transit service agreements executed between the Transit Authority and local political subdivisions, the proceeds of bonds or other evidences of indebtedness issued by the Transit Authority, and capital contributions received by the Transit Authority) are excess to the amounts necessary to make all payments, including debt service, operating and maintenance expenses, and deposits in reserves required or permitted by the terms of any contract of the Transit Authority with or for the benefit of holders of its bonds, notes, or other evidences of indebtedness issued for any purpose relating to the Adopted Regional System, other than extensions thereof, two-thirds of such excess revenues shall, at the end of each fiscal year, beginning with the fiscal year in which the Adopted Regional System (exclusive of extensions) is first put into substantially full revenue service, be paid into the Treasury of the United States as miscellaneous receipts.

STUDY OF DULLES AIRPORT EXTENSION

SEC. 7. (a) The Secretary of Transportation is authorized to contract with the Transit Authority for a comprehensive study of the feasibility, including preliminary engineering, of extending a transit line in the median of the Dulles Airport Road from the vicinity of Virginia Route 7 on the I-66 Route of the Adopted Regional System to the Dulles International Airport.

(b) The study to be undertaken pursuant to subsection (a) of this section shall be completed within six months after execution of the contract authorized therein at a cost not in excess of \$150,000; and there is authorized to be appropriated not to exceed \$150,000 to carry out the purposes of this section.

REPEAL AND AMENDMENT OF EXISTING LAWS

SEC. 8. (a) The following provisions of law are repealed:

(1) The National Capital Transportation Act of 1960 (Public Law 86-669; 74 Stat. 537).

Cost limitation.
Appropriation.

(2) Sections 3 and 4 of the National Capital Transportation Act of 1965 (Public Law 89-178; 79 Stat. 664-665).

(b) Section 5(a) of the National Capital Transportation Act of 1965 is amended by striking out "authorized in section 3 hereof" and inserting in lieu thereof the following: "of the Adopted Regional System (as defined in section 2(1) of the National Capital Transportation Act of 1969)".

Approved December 9, 1969.

40 USC 682,
683.

79 Stat. 665.
40 USC 684.

Public Law 91-144

AN ACT

Making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes.

December 11, 1969
[H.R. 14159]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1970, for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions, and for other purposes, namely:

Public Works
for Water, Pollu-
tion Control, and
Power Develop-
ment and Atomic
Energy Commis-
sion Appropria-
tion Act, 1970.

TITLE I—ATOMIC ENERGY COMMISSION

OPERATING EXPENSES

For necessary operating expenses of the Commission in carrying out the purposes of the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; hire, maintenance, and operation of aircraft; publication and dissemination of atomic information; purchase, repair and cleaning of uniforms; official entertainment expenses (not to exceed \$30,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles: \$1,862,269,000 and any moneys (except sums received from disposal of property under the Atomic Energy Community Act of 1955, as amended (42 U.S.C. 2301)) received by the Commission, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), to remain available until expended: *Provided*, That of such amount \$100,000

68 Stat. 919.
42 USC 2011
note.
80 Stat. 416.

69 Stat. 471.

may be expended for objects of a confidential nature and in any such case the certificate of the Commission as to the amount of the expenditure and that it is deemed inadvisable to specify the nature thereof shall be deemed a sufficient voucher for the sum therein expressed to have been expended: *Provided further*, That from this appropriation transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That no part of this appropriation shall be used in connection with the payment of a fixed fee to any contractor or firm of contractors engaged under a cost-plus-a-fixed-fee contract or contracts at any installation of the Commission, where that fee for community management is at a rate in excess of \$90,000 per annum, or for the operation of a transportation system where that fee is at a rate in excess of \$45,000 per annum.

PLANT AND CAPITAL EQUIPMENT

For expenses of the Commission, as authorized by law, in connection with the purchase and construction of plant and the acquisition of capital equipment and other expenses incidental thereto necessary in carrying out the purposes of the Atomic Energy Act of 1954, as amended, including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of not to exceed five hundred and thirty for replacement only, and hire of passenger motor vehicles; purchase (one) and hire of aircraft; \$355,500,000, to remain available until expended.

GENERAL PROVISIONS

Transfer of funds; report to congressional committees.

Restriction on fellowships.

Penalty.

SEC. 101. Not to exceed 5 per centum of appropriations made available for the current fiscal year for "Operating expenses" and "Plant and capital equipment" may be transferred between such appropriations, but neither such appropriation, except as otherwise provided herein, shall be increased by more than 5 per centum by any such transfers, and any such transfers shall be reported promptly to the Appropriations Committees of the House and Senate.

SEC. 102. No part of any appropriation herein shall be used to confer a fellowship on any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence or with respect to whom the Commission finds, upon investigation and report by the Civil Service Commission on the character, associations, and loyalty of whom, that reasonable grounds exist for belief that such person is disloyal to the Government of the United States: *Provided*, That any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence and accepts employment or a fellowship the salary, wages,

stipend, grant, or expenses for which are paid from any appropriation contained herein shall be guilty of a felony, and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law.

TITLE II—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes:

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, and when authorized by law, surveys and studies of projects prior to authorization for construction, \$41,191,000, to remain available until expended: *Provided*, That \$625,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563–565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army.

^{16 USC 661}
note.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by law; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction): \$711,992,000, to remain available until expended: *Provided*, That no part of this appropriation shall be used for projects not authorized by law or which are authorized by law limiting the amount to be appropriated therefor, except as may be within the limits of the amount now or hereafter

authorized to be appropriated: *Provided further*, That in connection with the rehabilitation of the Snake Creek Embankment of the Garrison Dam and Reservoir Project, North Dakota, the Corps of Engineers is authorized to participate with the State of North Dakota to the extent of one-half the cost of widening the present embankment to provide a four-lane right-of-way for U.S. Highway 83 in lieu of the present two-lane highway: *Provided further*, That funds appropriated for the Robert S. Kerr Lock and Dam, Oklahoma, shall be available to provide a 9-foot deep auxiliary navigation channel and 1,000-foot-long turning basin along Sans Bois Creek, with appropriate widths and an overall length of approximately ten miles: *Provided further*, That \$600,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563-565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army.

^{16 USC 661}
note.

^{45 Stat. 534;}
^{49 Stat. 1511.}

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), \$80,820,000, to remain available until expended, including funds for completion of the construction of road crossings of the Panola-Quitman Floodway at Crowder and Paducah Wells, Mississippi.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; activities of the California Debris Commission; administration of laws pertaining to preservation of navigable waters; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation; \$253,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane and shore protection activities, as authorized by section 5 of the Flood Control Act, approved August 18, 1941, as amended, \$32,000,000, to remain available until expended.

^{76 Stat. 1194.}
^{33 USC 701n.}

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors and the Coastal Engineering Research Center; commercial statistics; and miscellaneous investigations; \$22,680,000.

80 Stat. 436.
80 Stat. 508;
81 Stat. 206.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by 5 U.S.C. 4110, uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed one hundred and eighty-eight for replacement only) and hire of passenger motor vehicles: *Provided*, That the total capital of said fund shall not exceed \$176,500,000.

81 Stat. 471.

CEMETERIAL EXPENSES

SALARIES AND EXPENSES

For necessary cemeterial expenses as authorized by law, including maintenance, operation, and improvement of national cemeteries, and purchase of headstones and markers for unmarked graves; purchase of seven passenger motor vehicles for replacement only; maintenance of that portion of Congressional Cemetery to which the United States has title, Confederate burial places under the jurisdiction of the Department of the Army, and graves used by the Army in commercial cemeteries, to remain available until expended, \$15,125,000, together with \$991,000 to be derived by transfer from the appropriation "Cemeterial Expenses" contained in the Public Works and Atomic Energy Commission Appropriation Act, 1968: *Provided*, That this appropriation shall not be used to repair more than a single approach road to any national cemetery: *Provided further*, That this appropriation shall not be obligated for construction of a superintendent's lodge or family quarters at a cost per unit in excess of \$17,000, but such limitation may be increased by such additional amounts as may be required to provide office space, public comfort rooms, or space for the storage of Government property within the same structure: *Provided further*, That reimbursement shall be made to the applicable military appropriation for the pay and allowances of any military personnel performing services primarily for the purposes of this appropriation.

THE PANAMA CANAL

CANAL ZONE GOVERNMENT

OPERATING EXPENSES

For operating expenses necessary for the Canal Zone Government, including operation of the Postal Service of the Canal Zone; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); expenses incident to conducting hearings on the Isthmus; expenses of special training of employees of the Canal Zone Government as authorized by 5 U.S.C. 4101-4118; con-

80 Stat. 432-
439.

tingencies of the Governor, residence for the Governor; medical aid and support of the insane and of lepers and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable; and maintaining and altering facilities of other Government agencies in the Canal Zone for Canal Zone Government use, \$40,700,000.

CAPITAL OUTLAY

For acquisition of land and land under water and acquisition, construction, and replacement of improvements, facilities, structures, and equipment, as authorized by law (2 C.Z. Code, Sec. 2; 2 C.Z. Code, Sec. 371), including the purchase of not to exceed twelve passenger motor vehicles for replacement only, for police-type use which may exceed by \$300 each the general purchase price limitation for the current fiscal year; improving facilities of other Government agencies in the Canal Zone for Canal Zone Government use; and expenses incident to the retirement of such assets; \$2,000,000, to remain available until expended: *Provided*, That notwithstanding the limitation under this head in the Second Supplemental Appropriation Act, 1961, appropriations for "capital outlay" may be used for expenses related to the construction of quarters of non-U.S. citizen employees at a unit cost not exceeding \$16,500.

76A Stat. 7, 26.

74 Stat. 827.

61 Stat. 584.

PANAMA CANAL COMPANY

CORPORATION

The Panama Canal Company is hereby authorized to make such expenditures within the limits of funds and borrowing authority available to it and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation, including maintaining and improving facilities of other Government agencies in the Canal Zone for Panama Canal Company use.

LIMITATION ON GENERAL AND ADMINISTRATIVE EXPENSES

Not to exceed \$14,700,000 of the funds available to the Panama Canal Company shall be available during the current fiscal year for general and administrative expenses of the Company, including operation of tourist vessels and guide services, which shall be computed on an accrual basis. Funds available to the Panama Canal Company for operating expenses shall be available for the purchase of not to exceed twenty-eight passenger motor vehicles for replacement only, including eighteen light sedans at not to exceed \$2,000 and five station wagons at not to exceed \$2,450, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

80 Stat. 508;
81 Stat. 206.

80 Stat. 416.

GENERAL PROVISIONS—THE PANAMA CANAL

The Governor of the Canal Zone is authorized to employ services as authorized by 5 U.S.C. 3109, in an amount not exceeding \$30,000: *Provided*, That the rates for individuals shall not exceed \$100 per diem.

Funds appropriated for operating expenses of the Canal Zone Government may be apportioned notwithstanding section 3679 of the

Revised Statutes, as amended (31 U.S.C. 665), to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law which are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

TITLE III—DEPARTMENT OF THE INTERIOR

FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

POLLUTION CONTROL OPERATIONS AND RESEARCH

For expenses necessary to carry out the Federal Water Pollution Control Act, as amended, and other related activities, including \$9,400,000 for grants to States and \$600,000 for grants to interstate agencies under section 7 of such Act, \$86,382,000, to remain available until expended.

70 Stat. 498;
79 Stat. 903.
33 USC 466
note.
33 USC 466d.

CONSTRUCTION GRANTS FOR WASTE TREATMENT WORKS

For grants for construction of waste treatment works pursuant to section 8 of the Water Pollution Control Act, as amended, to remain available until expended, \$800,000,000.

80 Stat. 1248.
33 USC 466e.

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau, as follows:

43 USC 371.

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, \$16,030,000, of which \$14,930,000 shall be derived from the reclamation fund: *Provided*, That none of this appropriation shall be used for more than one-half of the cost of an investigation requested by a State, municipality, or other interest: *Provided further*, That \$375,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563-565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Bureau of Reclamation.

16 USC 661
note.

CONSTRUCTION AND REHABILITATION

For construction and rehabilitation of authorized reclamation projects or parts thereof (including power transmission facilities) and for other related activities, as authorized by law, to remain available until expended, \$149,381,500, of which \$115,000,000 shall be derived from the reclamation fund: *Provided*, That no part of this appropriation shall be used to initiate the construction of transmission facilities

within those areas covered by power wheeling service contracts which include provision for service to Federal establishments and preferred customers, except those transmission facilities for which construction funds have been heretofore appropriated, those facilities which are necessary to carry out the terms of such contracts or those facilities for which the Secretary of the Interior finds the wheeling agency is unable or unwilling to provide for the integration of Federal projects or for service to a Federal establishment or preferred customer: *Provided further*, That the final point of discharge for the interceptor drain for the San Luis unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Secretary of the Interior, to minimize any detrimental effect of the San Luis drainage waters: *Provided further*, That not to exceed \$200,000 of this appropriation shall be available for replacement of cast-in-place concrete pipe in the South Gila Unit, Yuma Mesa Division, Gila Project, Arizona, which shall be nonreimbursable: *Provided further*, That the contract between the Westlands Water District and the United States dated June 5, 1963, may be amended to provide for the advancement of funds by the District pursuant to the Act of March 4, 1921 (41 Stat. 1404), to aid in the construction of the distribution and drainage system for the District, and the repayment of reimbursable costs of the Central Valley Project shall be credited annually in an amount equal to any reduction of water charges as provided by the amended contract: *Provided further*, That of the amount herein appropriated not to exceed \$10,000 shall be available to initiate a rehabilitation and betterment program in the Shasta View Irrigation District, Klamath Project, Oregon, under the Act of October 7, 1949 (63 Stat. 724), as amended, to be repaid in full under conditions satisfactory to the Secretary of the Interior.

43 USC 395.

43 USC 504 and
note.

70 Stat. 107.

43 USC 620g.

UPPER COLORADO RIVER STORAGE PROJECT

For the Upper Colorado River Storage Project, as authorized by the Act of April 11, 1956 (43 U.S.C. 620d), to remain available until expended, \$28,240,000, of which \$25,740,000 shall be available for the "Upper Colorado River Basin Fund", authorized by section 5 of said Act of April 11, 1956, and \$2,500,000 shall be available for construction, operation and maintenance of recreational and fish and wildlife facilities authorized by section 8 thereof, and may be expended by bureaus of the Department through or in cooperation with State or other Federal agencies, and advances to such Federal agencies are hereby authorized: *Provided*, That no part of the funds herein appropriated shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument.

COLORADO RIVER BASIN PROJECT

For advances to the Lower Colorado River Basin Development Fund, as authorized by section 403 of the Act of September 30, 1968 (82 Stat. 894), for the construction, operation, and maintenance of projects authorized by Title III of said act, \$1,200,000, to remain available until expended.

43 USC 1543.

43 USC 1521-
1528.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the

Bureau of Reclamation, pursuant to law, \$53,500,000, of which \$42,190,000 shall be derived from the reclamation fund and \$1,935,000 shall be derived from the Colorado River Dam fund: *Provided*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and the unexpended balances of such advances shall be credited to the appropriation for the next succeeding fiscal year.

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a-421d), and August 6, 1956 (43 U.S.C. 422a-422k), as amended, including expenses necessary for carrying out the program, \$5,650,000, to remain available until expended: *Provided*, That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

69 Stat. 244.

70 Stat. 1044.

43 USC 421a-422d.

43 USC 388.

EMERGENCY FUND

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), to remain available until expended for the purposes specified in said Act, \$1,000,000, to be derived from the reclamation fund.

62 Stat. 1052.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the offices of the Commissioner of Reclamation and in the regional offices of the Bureau of Reclamation, \$12,700,000, to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

59 Stat. 54.

SPECIAL FUNDS

Sums herein referred to as being derived from the reclamation fund, the Colorado River Dam fund, or the Colorado River development fund, are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391), the Act of December 21, 1928 (43 U.S.C. 617a), and the Act of July 19, 1940 (43 U.S.C. 618a), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the heads "Operation and Maintenance" and "General Administrative Expenses" shall revert and be credited to the special fund from which derived.

32 Stat. 388.

45 Stat. 1057.

54 Stat. 774.

ADMINISTRATIVE PROVISIONS

Appropriations to the Bureau of Reclamation shall be available for purchase of not to exceed forty passenger motor vehicles for replacement only; purchase of one aircraft; payment of claims for damage to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiation and administration of interstate compacts without reimbursement or return under the reclamation laws; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriation Act, 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Act of August 21, 1935 (16 U.S.C. 461-467) : *Provided*, That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses" and amounts provided for reconnaissance, basin surveys, and general engineering and research under the head "General Investigations".

Allotments to the Missouri River Basin project from the appropriation under the head "Construction and rehabilitation" shall be available additionally for said project for those functions of the Bureau of Reclamation provided for under the head "General Investigations" (but this authorization shall not preclude use of the appropriation under said head within that area), and for the continuation of investigations by agencies of the Department on a general plan for the development of the Missouri River Basin. Such allotments may be expended through or in cooperation with State and other Federal agencies, and advances to such agencies are hereby authorized.

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law: *Provided*. That net revenues of not to exceed \$50,000 arising from the lease of grazing and agricultural lands within the Tule Lake and Lower Klamath Lake Divisions, as determined by the Secretary, may be credited to the cost heretofore and hereafter incurred for the Klamath project water rights program, notwithstanding the provisions of section 2(c) of the Act of June 17, 1944, and sections 2(a), 2(b), and 2(c) of the Act of August 1, 1956.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665).

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water

32 Stat. 388.
43 USC 371.

58 Stat. 487.

49 Stat. 666.

59 Stat. 54.

58 Stat. 279;
70 Stat. 799.
43 USC 612.

users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

Not to exceed \$225,000 may be expended from the appropriation "Construction and rehabilitation" for work by force account on any one project or Missouri River Basin unit and then only when such work is unsuitable for contract or no acceptable bid has been received and, other than otherwise provided in this paragraph or as may be necessary to meet local emergencies, not to exceed 12 per centum of the construction allotment for any project from the appropriation "Construction and rehabilitation" contained in this Act shall be available for construction work by force account: *Provided*, That this paragraph shall not apply to work performed under the Rehabilitation and Betterment Act of 1949 (63 Stat. 724).

43 USC 504 and note.

ALASKA POWER ADMINISTRATION

GENERAL INVESTIGATIONS

For engineering and economic investigations to promote the development and utilization of the water, power and related resources of Alaska, \$600,000, to remain available until expended: *Provided*, That \$54,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports thereon, as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563-565).

16 USC 661
note.

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, \$400,000.

BONNEVILLE POWER ADMINISTRATION

CONSTRUCTION

For construction and acquisition of transmission lines, substations, and appurtenant facilities, as authorized by law, and purchase of two aircraft, of which one shall be for replacement only, \$96,500,000, to remain available until expended: *Provided*, That not more than \$100,000 of the funds appropriated herein shall be available for preliminary engineering required by the Bonneville Power Administration in connection with the proposed agreements with the Portland General Electric Company and the Eugene Water and Electric Board to acquire from preference customers and pay by net billing for generating capability from non-federally financed thermal generating plants in the manner described in the committee report.

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of the Bonneville transmission system and of marketing electric power and energy, \$21,500,000.

ADMINISTRATIVE PROVISIONS

Appropriations of the Bonneville Power Administration shall be available to carry out all the duties imposed upon the Administrator pursuant to law. Appropriations made herein to the Bonneville Power Administration shall be available in one fund, except that the appropriation herein made for operation and maintenance shall be available only for the service of the current fiscal year.

Other than as may be necessary to meet local emergencies, not to exceed 12 per centum of the appropriation for construction herein made for the Bonneville Power Administration shall be available for construction work by force account or on a hired-labor basis.

SOUTHEASTERN POWER ADMINISTRATION**OPERATION AND MAINTENANCE**

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$700,000.

58 Stat. 890.

SOUTHWESTERN POWER ADMINISTRATION**CONSTRUCTION**

For construction and acquisition of transmission lines, substations, and appurtenant facilities, and for administrative expenses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, \$8,100,000, to remain available until expended.

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, including purchase of not to exceed three passenger motor vehicles for replacement only, \$2,350,000.

CONTINUING FUND

Not to exceed \$2,800,000 shall be available during the current fiscal year from the continuing fund for all costs in connection with the purchase of electric power and energy, and rentals for the use of transmission facilities.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

*Emergency re-
construction
funds.*

SEC. 301. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority

until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

SEC. 302. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

SEC. 303. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided*, That reimbursements for costs of supplies, materials, and equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 304. No part of any funds made available by this Act to the Southwestern Power Administration may be made available to any other agency, bureau, or office for any purposes other than for services rendered pursuant to law to the Southwestern Power Administration.

Fire prevention.

Operation of
warehouses, etc.

47 Stat. 417.

Southwestern
Power Administra-
tion.

TITLE IV—INDEPENDENT OFFICES

ATLANTIC-PACIFIC INTEROCEANIC CANAL STUDY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for an investigation and study, including surveys, to determine the feasibility of, and the most suitable site for construction of a sea-level canal connecting the Atlantic and Pacific Oceans: not to exceed \$2,000 for official reception and representation expenses, \$917,000, to remain available until expended.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), \$47,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), \$158,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current

33 USC 567b.

fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), \$5,000.

NATIONAL WATER COMMISSION

SALARIES AND EXPENSES

42 USC 1962a
note.

For expenses necessary to carry out the Act of September 26, 1968 (Public Law 90-515), including compensation of the Executive Director at level IV of the Executive Schedule, \$1,050,000, to remain available until expended.

TENNESSEE VALLEY AUTHORITY

PAYMENT TO TENNESSEE VALLEY AUTHORITY FUND

48 Stat. 58.

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C., ch. 12A), including purchase of one aircraft for replacement only, hire, maintenance, and operation of aircraft, and purchase (not to exceed two hundred and eighteen for replacement only) and hire of passenger motor vehicles, \$50,600,000, to remain available until expended.

WATER RESOURCES COUNCIL

WATER RESOURCES PLANNING

79 Stat. 245.
80 Stat. 416.

For expenses necessary in carrying out the provisions of the Water Resources Planning Act of 1965 (42 U.S.C. 1962-1962d-5), including services as authorized by 5 U.S.C. 3109, but at rates not to exceed \$100 per diem for individuals, and hire of passenger motor vehicles, \$3,925,000, to remain available until expended, including \$795,000 for carrying out the provisions of title I and administering the provisions of titles II, III, and IV of the Act, \$755,000 for expenses of river basin commissions under title II of the Act, and \$2,375,000 for grants to States under title III of the Act: *Provided*, That the share of the expenses of any river basin commission borne by the Federal Government pursuant to title II of the Act shall not exceed \$200,000 annually for recurring operating expenses, including the salary and expenses of the chairman.

TITLE V—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

Purchase of
motor vehicles.

31 USC 638a.

Compensation
payments; citi-
zenship status
required.

SEC. 501. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at \$1,650 except station wagons for which the maximum shall be \$1,950.

SEC. 502. Unless otherwise specified and during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United

States) whose post of duty is in continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, had filed a declaration of intention to become a citizen of the United States prior to such date, (3) is a person who owes allegiance to the United States, or (4) is an alien from Poland or the Baltic countries lawfully admitted to the United States for permanent residence: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined not more than \$4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

Penalty.

SEC. 503. Appropriations of the executive departments and independent establishments for the current fiscal year, available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with title II of the Act of September 6, 1960 (74 Stat. 793).

Exceptions.

Quarters allowances, etc.

SEC. 504. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

80 Stat. 510.
5 USC 5922-
5925 and notes.

SEC. 505. No part of any appropriation contained in this or any other Act for the current fiscal year shall be used to pay in excess of \$4 per volume for the current and future volumes of the United States Code, Annotated, and such volumes shall be purchased on condition and with the understanding that latest published cumulative annual pocket parts issued prior to the date of purchase shall be furnished free of charge, or in excess of \$4.25 per volume for the current or future volumes of the Lifetime Federal Digest, or in excess of \$6.50 per volume for the current or future volumes of the Modern Federal Practice Digest.

SEC. 506. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to the Government Corporation Control Act, as amended (31 U.S.C. 841), shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

59 Stat. 597.

80 Stat. 416.

Foreign credits.
31 USC 724.

SEC. 507. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchange allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

Publicity or propaganda.

SEC. 508. No part of any appropriation contained in this or any other Act, or of the funds available for expenditure by any corporation or agency, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress.

Interdepartmental boards.

59 Stat. 134.

Short title.

SEC. 509. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided.

SEC. 510. No part of any appropriation contained in this or any other Act, shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under section 214 of the Independent Offices Appropriation Act, 1946 (31 U.S.C. 691) which do not have prior and specific congressional approval of such method of financial support.

This Act may be cited as the "Public Works for Water, Pollution Control, and Power Development and Atomic Energy Commission Appropriation Act, 1970".

Approved December 11, 1969.

December 12, 1969
[H. R. 13763]

AN ACT
Making appropriations for the Legislative Branch for the fiscal year ending June 30, 1970, and for other purposes.

Legislative Branch Appropriation Act, 1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending June 30, 1970, and for other purposes, namely:

SENATE**COMPENSATION OF THE VICE PRESIDENT AND SENATORS, MILEAGE OF THE PRESIDENT OF THE SENATE AND SENATORS, AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND LEADERS OF THE SENATE****COMPENSATION OF THE VICE PRESIDENT AND SENATORS**

For compensation of the Vice President and Senators of the United States, \$4,685,580.

MILEAGE OF PRESIDENT OF THE SENATE AND OF SENATORS

For mileage of the President of the Senate and of Senators, \$58,370.

EXPENSE ALLOWANCES OF THE VICE PRESIDENT, AND MAJORITY AND MINORITY LEADERS

For expense allowance of the Vice President, \$10,000; Majority Leader of the Senate, \$3,000; and Minority Leader of the Senate, \$3,000; in all, \$16,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For clerical assistance to the Vice President, \$281,187.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For offices of the majority leader and the minority leader, \$106,930: *Provided*, That effective November 1, 1969, the respective leaders may each appoint and fix the compensation of an administrative assistant at not to exceed \$31,317 per annum, a legislative assistant at not to exceed \$28,908 per annum, an executive secretary at not to exceed \$15,111 per annum, and a clerical assistant at not to exceed \$12,921 per annum in lieu of the positions heretofore authorized by Senate Resolution 158, agreed to December 9, 1941, Public Law 86-30, approved May 20, 1959, and Senate Resolution 240, agreed to January 24, 1952.

73 Stat. 33.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For offices of the majority and minority whips, \$68,730: *Provided*, That effective November 1, 1969, the whips may each appoint and fix the compensation of an administrative assistant at not to exceed \$30,003 per annum, and an executive secretary at not to exceed \$15,111 per annum.

OFFICE OF THE CHAPLAIN

For the office of the Chaplain, \$17,185: *Provided*, That effective November 1, 1969, the compensation of the Chaplain shall be \$10,074 per annum and he shall be subject to election at the beginning of each Congress: *Provided further*, That the Chaplain may appoint and fix the compensation of a secretary at not to exceed \$8,541 per annum.

OFFICE OF THE SECRETARY

For Office of the Secretary, \$1,675,448, including \$144,673 required for the purpose specified and authorized by section 74b of title 2, United States Code: *Provided*, That effective November 1, 1969, the Secretary may fix the compensation of the Assistant Secretary at not to exceed \$11,826 per annum, employ and fix the compensation of a Special Assistant at not to exceed \$10,293 per annum in lieu of an Assistant at \$8,760 per annum, employ and fix the compensation of an Editor, Digest at not to exceed \$21,024 per annum, an Assistant Editor, Digest at not to exceed \$18,396 per annum, and a Clerk, Digest at not to exceed \$8,541 per annum: *Provided further*, That, effective November 1, 1969, the Secretary is authorized to appoint a Comptroller of the Senate at a salary of \$35,259 per annum, and a Secretary to the Comptroller at a salary of not to exceed \$12,921 per annum, and the allowance for clerical assistance and readjustment of salaries in the disbursing office is hereby made available for personnel at such titles and per annum rates as may be necessary, at no time exceeding an aggregate of \$249,660.

60 Stat. 839.

Comptroller of
the Senate.

COMMITTEE EMPLOYEES

For professional and clerical assistance to standing committees and the Select Committee on Small Business, \$4,017,014.

CONFERENCE COMMITTEES

For clerical assistance to the Conference of the Majority, at rates of compensation to be fixed by the chairman of said committee, \$115,619.

For clerical assistance to the Conference of the Minority, at rates of compensation to be fixed by the chairman of said committee, \$115,619.

ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

For administrative and clerical assistants to Senators, \$24,656,608: *Provided*, That the clerk hire allowance of each Senator from the State of Connecticut shall be increased to that allowed Senators from States having a population of three million, the population of said State having exceeded three million inhabitants: *Provided further*, That, effective November 1, 1969, paragraph (1) of section 105(d) of the Legislative Branch Appropriation Act, 1968, as amended (2 U.S.C. 61-1(d)), is amended by increasing each of the amounts in the table therein relating to Senators' clerk hire allowances by \$23,652, and paragraph (2)(i) of such section is amended to read as follows: "(i) the salary of two employees may be fixed at gross rates of not more than \$23,652 per annum,".

81 Stat. 142,
637.

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For Office of Sergeant at Arms and Doorkeeper, \$4,915,909: *Provided*, That effective November 1, 1969, the Sergeant at Arms is authorized to employ the following additional employees: A Systems Programer at \$15,987 per annum, a Production Manager at \$14,454 per annum, an Applications Programer at \$13,797 per annum, an Operator at \$10,074 per annum, an Operator at \$9,417 per annum, and six plainclothesmen, Police Force, at \$8,760 per annum each in lieu of six Privates at \$8,322 per annum each.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For the offices of the Secretary for the Majority and the Secretary for the Minority, \$196,612.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$374,100.

PAYMENT TO WIDOW OF DECEASED SENATOR

For payment to Louella Dirksen, widow of Everett McKinley Dirksen, late a Senator from the State of Illinois, \$49,500.

CONTINGENT EXPENSES OF THE SENATE**SENATE POLICY COMMITTEES**

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, \$236,720 for each such Committee; in all, \$473,440.

AUTOMOBILES AND MAINTENANCE

For purchase, exchange, driving, maintenance, and operation of four automobiles, one for the Vice President, one for the President Pro Tempore, one for the Majority Leader, and one for the Minority Leader, \$50,880.

FURNITURE

For service and materials in cleaning and repairing furniture, and for the purchase of furniture, \$31,190: *Provided*, That the furniture purchased is not available from other agencies of the Government.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, including \$431,775 for the Committee on Appropriations, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, \$6,646,755, of which amount \$6,000 is hereby made available for obligations incurred in fiscal year 1968.

60 Stat. 831.
2 USC 190b.

FOLDING DOCUMENTS

For the employment of personnel for folding speeches and pamphlets at a gross rate of not exceeding \$2.82 per hour per person, \$46,355.

MAIL TRANSPORTATION

For maintaining, exchanging, and equipping motor vehicles for carrying the mails and for official use of the offices of the Secretary and Sergeant at Arms, \$16,560.

MISCELLANEOUS ITEMS

For Miscellaneous Items, exclusive of labor, \$5,708,986 including \$497,000 for payment to the Architect of the Capitol in accordance section 4 of Public Law 87-82, approved July 6, 1961, and \$15,000 for expenses of the Commission on Art and Antiquities of the Senate.

For an additional amount for "Miscellaneous Items, fiscal year 1969", \$300,000, to be derived by transfer from the appropriation "Salaries, officers and employees, Senate, fiscal year 1969".

POSTAGE STAMPS

For postage stamps for the Offices of the Secretaries for the Majority and Minority, \$240; and for air mail and special delivery stamps for the Office of the Secretary, \$350; Office of the Sergeant at Arms, \$215; Senators and the President of the Senate, as authorized by law, \$119,328: *Provided*, That the maximum allowance per capita of \$960 is increased to \$1,056 for the fiscal year 1970 and thereafter: *Provided further*, That Senators from States partially or wholly west of the Mississippi River shall be allowed an additional \$264 each fiscal year; in all, \$120,133.

STATIONERY (REVOLVING FUND)

For stationery for Senators and the President of the Senate, \$363,600; and for stationery for Committees and officers of the Senate, \$14,250; in all, \$377,850: *Provided*, That effective with the fiscal year 1970 and thereafter the allowance for stationery for each Senator and the President of the Senate shall be at the rate of \$3,600 per annum: *Provided further*, That section 106 of the Legislative Branch Appropriation Act, 1969 (Public Law 90-417, approved July 23, 1968), is hereby made applicable to the President of the Senate.

82 Stat. 413.
2 USC 46a-3.

COMMUNICATIONS

For an amount for communications which may be expended interchangeably, in accordance with such limitations and restrictions as may be prescribed by the Committee on Rules and Administration, for payment of charges on official telegrams and long-distance telephone calls made by or on behalf of Senators or the President of the Senate, in addition to those otherwise authorized, \$15,150.

ADMINISTRATIVE PROVISIONS

Effective October 1, 1969, the third paragraph under the heading "Administrative Provisions" in the appropriations for the Senate in the Legislative Branch Appropriation Act, 1957, as amended (2

U.S.C. 53), is amended by striking out "\$300" and inserting in lieu thereof "\$400", and by inserting before the colon preceding the proviso therein a comma and the following: "or incurred for subscriptions to newspapers, magazines, periodicals, or clipping or similar services".

Effective July 1, 1969, the third paragraph under the heading "Administrative Provisions" in the appropriations for the Senate in the Legislative Branch Appropriation Act, 1959, as amended (2 U.S.C. 43b), is amended by striking out the portion thereof relating to payments from the Contingent Fund of the Senate and inserting in lieu thereof the following:

"The Contingent Fund of the Senate is hereafter made available for reimbursement of transportation expenses incurred by Senators in traveling, on official business, by the nearest usual route, between Washington, District of Columbia, and any point in their home States, for not to exceed twelve round trips (or the equivalent thereof in one-way trips) in each fiscal year."

Section 6(c) of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40-603(c)), is amended by inserting after "Senate and House of Representatives," the words "Comptroller of the Senate".

The first sentence of the second paragraph under the heading "Administrative Provisions" in the Legislative Branch Appropriation Act, 1962, as amended (2 U.S.C. 127), is amended to read as follows: "The contingent fund of the Senate is hereafter made available for reimbursement of transportation expenses incurred in traveling by the nearest usual route between Washington, District of Columbia, and any point in the home State of the Senator involved, for not to exceed eight round trips made by employees in each Senator's office in any fiscal year, such payment to be made only upon vouchers approved by the Senator containing a certification by such Senator that such travel was performed in line of official duty." This provision shall take effect with respect to round trips commencing on or after the date of enactment of this Act.

No part of any appropriation disbursed by the Secretary of the Senate shall be available for payment of compensation to any person for any period for which such person is carried in a leave without pay status from a position in or under any department or agency of the Government.

HOUSE OF REPRESENTATIVES

For payment to Pearle Jean Bates, widow of William H. Bates, late a Representative from the State of Massachusetts, \$42,500.

SALARIES, MILEAGE FOR THE MEMBERS, AND EXPENSE ALLOWANCE OF THE SPEAKER

COMPENSATION OF MEMBERS

For compensation of Members, as authorized by law (wherever used herein the term "Member" shall include Members of the House of Representatives and the Resident Commissioner from Puerto Rico), \$20,074,000.

MILEAGE OF MEMBERS AND EXPENSE ALLOWANCE OF THE SPEAKER

For mileage of Members and expense allowance of the Speaker, as authorized by law, \$180,000.

^{70 Stat. 359;}
^{79 Stat. 269.}

^{72 Stat. 443;}
^{81 Stat. 226.}

^{46 Stat. 1425.}

^{75 Stat. 323;}
^{79 Stat. 269.}

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers and employees, as authorized by law, as follows:

OFFICE OF THE SPEAKER

For the Office of the Speaker, \$151,850.

OFFICE OF THE PARLIAMENTARIAN

For the Office of the Parliamentarian, \$152,310, including the Parliamentarian and \$2,000 for preparing the Digest of the Rules, as authorized by law.

COMPILATION OF PRECEDENTS OF HOUSE OF REPRESENTATIVES

For compiling the precedents of the House of Representatives, as heretofore authorized, \$13,210.

OFFICE OF THE CHAPLAIN

For the Office of the Chaplain, \$17,965.

OFFICE OF THE CLERK

For the Office of the Clerk, including not to exceed \$192,190 for the House Recording Studio, \$2,205,000.

OFFICE OF THE SERGEANT AT ARMS

For the Office of the Sergeant at Arms, \$2,950,000.

OFFICE OF THE DOORKEEPER

For the Office of the Doorkeeper, \$2,275,000.

OFFICE OF THE POSTMASTER

For the Office of the Postmaster, including \$12,420 for employment of substitute messengers and extra services of regular employees when required at the basic salary rate of not to exceed \$2,100 per annum each, \$625,870.

COMMITTEE EMPLOYEES

For committee employees, including the Committee on Appropriations, \$5,300,000.

SPECIAL AND MINORITY EMPLOYEES

For six minority employees, \$182,885.

For the House Democratic Steering Committee, \$59,040.

For the House Republican Conference, \$59,040.

For the office of the majority floor leader, including \$3,000 for official expenses of the majority leader, \$119,915.

For the office of the minority floor leader, including \$3,000 for official expenses of the minority leader, \$111,295.

For the office of the majority whip, including \$13,480 basic lump-sum clerical assistance, \$90,990.

For the office of the minority whip, including \$13,480 basic lump-sum clerical assistance, \$90,990.

For two printing clerks, one for the majority caucus room and one for the minority caucus room, to be appointed by the majority and minority leaders, respectively, \$18,745, to be equally divided.

For a technical assistant in the office of the attending physician, to be appointed by the attending physician, subject to the approval of the Speaker, \$16,845.

OFFICIAL REPORTERS OF DEBATES

For official reporters of debates, \$324,410.

OFFICIAL REPORTERS TO COMMITTEES

For official reporters to committees, \$322,040.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, \$890,000.

60 Stat. 834.
2 USC 72a.

OFFICE OF THE LEGISLATIVE COUNSEL

For salaries and expenses of the Office of the Legislative Counsel of the House, \$465,595.

MEMBERS' CLERK HIRE

For clerk hire, necessarily employed by each Member in the discharge of his official and representative duties, \$47,000,000.

CONTINGENT EXPENSES OF THE HOUSE

FURNITURE

For furniture, materials for furniture repairs, including tools and machinery for furniture repair shops, and for purchase of packing boxes and carpets, \$240,000.

The Clerk of the House is authorized and directed to transfer to the Library of Congress, without exchange of funds, such office furniture and equipment as the Clerk shall have determined to be excess to the needs of the House and the Librarian of Congress deems necessary and suitable to the needs of the Library.

Library of
Congress.

MISCELLANEOUS ITEMS

For miscellaneous items, exclusive of salaries unless specifically ordered by the House of Representatives, including the sum of \$159,000 for payment to the Architect of the Capitol in accordance with section 208 of the Act approved October 9, 1940 (Public Law 812); exchange, operation, maintenance, and repair of the Clerk's motor vehicles, the publications and distribution service motortruck,

54 Stat. 1056.
40 USC 174k.

and the post office motor vehicles for carrying the mails; not to exceed \$5,000 for the purposes authorized by section 1 of House Resolution 348, approved June 29, 1961; the sum of \$600 for hire of automobile for the Sergeant at Arms; materials for folding; and for stationery for the use of committees, departments, and officers of the House; \$4,960,000.

Student congressional interns.

No part of the contingent fund herein appropriated shall be available for the purposes of House Resolution 416 of the Eighty-ninth Congress relating to the hire of student congressional interns.

GOVERNMENT CONTRIBUTIONS

For contributions to employees life insurance fund, retirement fund, and health benefits fund, as authorized by law, \$3,240,000, and in addition, such amount as may be necessary may be transferred from the immediately preceding appropriation for "miscellaneous items".

REPORTING HEARINGS

For stenographic reports of hearings of committees other than special and select committees, \$325,000.

SPECIAL AND SELECT COMMITTEES

For salaries and expenses of special and select committees authorized by the House, \$6,800,000.

TELEGRAPH AND TELEPHONE

For telegraph and telephone service, exclusive of personal services, \$3,650,000.

STATIONERY (REVOLVING FUND)

For a stationery allowance for each Member for the second session of the Ninety-first Congress, as authorized by law, \$1,308,000, to remain available until expended.

POSTAGE STAMP ALLOWANCES

Postage stamp allowances for the second session of the Ninety-first Congress, as follows: Clerk, \$1,120; Sergeant at Arms, \$840; Door-keeper, \$700; Postmaster, \$560, airmail and special-delivery postage stamps for each Member, the Speaker, the majority and minority leaders, the majority and minority whips, and to each standing committee, as authorized by law; \$320,390.

REVISION OF LAWS

For preparation and editing of the laws as authorized by 1 U.S.C. 202, 203, 213, \$38,000, to be expended under the direction of the Committee on the Judiciary.

LEADERSHIP AUTOMOBILES

For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the Speaker, \$14,250.

For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the majority leader of the House, \$14,250.

For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the minority leader of the House, \$14,250.

NEW EDITION OF THE UNITED STATES CODE

For preparation of a new edition of the United States Code, \$150,000, to remain available until expended, and to be expended under the direction of the Committee on the Judiciary.

ADMINISTRATIVE PROVISIONS

Except as provided by the House Employees Position Classification Act (2 U.S.C. 291 and following) or by any other provision of law to the contrary, salaries or wages paid out of the items herein for the House of Representatives shall be computed at basic rates, plus increased and additional compensation, as authorized and provided by law.

78 Stat. 1079;
81 Stat. 636.

HOUSE BEAUTY SHOP

The management of the House Beauty Shop and all matters connected therewith shall be under the direction of a select committee to be composed of three Members of the House of Representatives to be appointed by the Speaker, one of whom shall be designated as Chairman. Any vacancy occurring in the membership of the committee shall be filled in the manner in which the original appointment was made. The committee is authorized to issue such rules and regulations as it may deem necessary for the operation and the employment of necessary assistance for the conduct of said Beauty Shop by such business methods as may produce the best results consistent with economical and modern management.

Effective the first of the month following approval of this Act, there is established in the Treasury of the United States a revolving fund for the House Beauty Shop. The revolving fund shall be self-sustaining. The net assets of the Shop on the effective date of this section shall constitute the capital of the fund and the existing liabilities shall be paid from the fund. All moneys thereafter received by the House Beauty Shop from fees for services or from any other source shall be deposited in such fund; and moneys in such fund shall be available without fiscal year limitation for disbursement by the Clerk of the House of Representatives for all expenses of the Shop, including but not limited to the care, maintenance, and operation of the Shop, procurement of supplies and equipment, and compensation of personnel.

Revolving fund.

An adequate system of accounts for the revolving fund shall be maintained and financial reports prepared on the basis of such accounts. The activities of the Shop shall be subject to audit by the General Accounting Office at such times as the select committee may direct, and reports of such audits shall be furnished to the Speaker of the House, to the select committee, and to the Clerk of the House. The Comptroller General, or any of his duly authorized representatives, shall have access for the purposes of audit and examination to such books, documents, papers, records, personnel, and facilities of the Shop as he may deem necessary.

GAO audit.
Reports to
Congress.

The net profit established by the General Accounting Office audit, after restoring any impairment of capital and providing for replacement of equipment, shall be transferred to the general fund of the Treasury.

JOINT ITEMS

For joint committees, as follows:

JOINT COMMITTEE ON REDUCTION OF FEDERAL EXPENDITURES

For an amount to enable the Joint Committee on Reduction of Federal Expenditures to carry out the duties imposed upon it by section 601 of the Revenue Act of 1941 (55 Stat. 726), to remain available during the existence of the Committee, \$55,000, to be disbursed by the Secretary of the Senate.

^{79 Stat. 1026.}

CONTINGENT EXPENSES OF THE SENATE

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$468,165.

JOINT COMMITTEE ON ATOMIC ENERGY

For salaries and expenses of the Joint Committee on Atomic Energy, \$400,595.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, \$212,855.

CONTINGENT EXPENSES OF THE HOUSE

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

For salaries and expenses of the Joint Committee on Internal Revenue Taxation, \$597,650.

JOINT COMMITTEE ON DEFENSE PRODUCTION

For salaries and expenses of the Joint Committee on Defense Production as authorized by the Defense Production Act of 1950, as amended, \$107,950.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the attending physician and his assistants, including (1) an allowance of one thousand dollars per month to the attending physician; (2) an allowance of one hundred fifty dollars per month each to three medical officers while on duty in the attending physician's office; and (3) an allowance of one hundred fifty dollars per month each to not to exceed eight assistants on the basis heretofore provided for such assistants, \$70,800.

CAPITOL POLICE

GENERAL EXPENSES

For purchasing and supplying uniforms; the purchase, maintenance, and repair of police motor vehicles, including two way police radio equipment; contingent expenses, including \$25 per month for extra

<sup>64 Stat. 798.
50 USC app.
2061.</sup>

services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House, as may be designated by the Chairman of the Board; \$134,000.

CAPITOL POLICE BOARD

To enable the Capitol Police Board to provide additional protection for the Capitol Buildings and Grounds, including the Senate and House Office Buildings and the Capitol Power Plant, \$900,000. Such sum shall be expended only for payment of salaries and other expenses of personnel detailed from the Metropolitan Police of the District of Columbia, and the Commissioner of the District of Columbia is authorized and directed to make such details upon the request of the Board. Personnel so detailed shall, during the period of such detail, serve under the direction and instructions of the Board and are authorized to exercise the same authority as members of such Metropolitan Police and members of the Capitol Police and to perform such other duties as may be assigned by the Board. Reimbursement for salaries and other expenses of such detail personnel shall be made to the government of the District of Columbia, and any sums so reimbursed shall be credited to the appropriation or appropriations from which such salaries and expenses are payable and shall be available for all the purposes thereof: *Provided*, That any person detailed under the authority of this paragraph or under similar authority in the Legislative Branch Appropriation Act, 1942, and the Second Deficiency Appropriation Act, 1940, from the Metropolitan Police of the District of Columbia shall be deemed a member of such Metropolitan Police during the period or periods of any such detail for all purposes of rank, pay, allowances, privileges, and benefits to the same extent as though such detail had not been made, and at the termination thereof any such person who was a member of such police on July 1, 1940, shall have a status with respect to rank, pay, allowances, privileges, and benefits which is not less than the status of such person in such police at the end of such detail: *Provided further*, That the Commissioner of the District of Columbia is directed (1) to pay the deputy chief of police detailed under the authority of this paragraph and serving as Chief of the Capitol Police, the salary of the rank of deputy chief plus \$4,000 and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent, (2) to pay the two acting inspectors detailed under the authority of this paragraph and serving as assistants to the Chief of the Capitol Police, the salary of the rank of inspector plus \$1,625 and such increases in basic compensation as may be subsequently provided by law so long as these positions are held by the present incumbents, (3) to pay the two detective sergeants detailed under the authority of this paragraph and serving as acting lieutenants the salary of the rank of lieutenant plus \$1,625 and such increases in basic compensation as may be subsequently provided by law so long as these positions are held by the present incumbents, (4) to pay the three detectives permanently detailed under the authority of this paragraph and serving as acting detective sergeants the salary of the rank of detective sergeant and such increases in basic compensation as may be subsequently provided by law, and (5) to pay the acting sergeant of the uniform force regularly assigned as such the salary of the rank of sergeant and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent.

Detail person-
nel.

55 Stat. 456.
54 Stat. 629.

No part of any appropriation contained in this Act shall be paid as compensation to any person appointed after June 30, 1935, as an officer or member of the Capitol Police who does not meet the standards to be prescribed for such appointees by the Capitol Police Board: *Provided*, That the Capitol Police Board is hereby authorized to detail police from the House Office, Senate Office, and Capitol buildings for police duty on the Capitol Grounds and on the Library of Congress Grounds.

EDUCATION OF PAGES

For education of congressional pages and pages of the Supreme Court, pursuant to section 243 of the Legislative Reorganization Act, 1946, \$112,307, which amount shall be advanced and credited to the applicable appropriation of the District of Columbia, and the Board of Education of the District of Columbia is hereby authorized to employ such personnel for the education of pages as may be required and to pay compensation for such services in accordance with such rates of compensation as the Board of Education may prescribe.

OFFICIAL MAIL COSTS

60 Stat. 839.
2 USC 88a.

For expenses necessary for official mail costs pursuant to title 39, U.S.C., section 4167, \$10,161,000, to be available immediately.

The foregoing amounts under "other joint items" shall be disbursed by the Clerk of the House.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the first session of the Ninety-first Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills as required by law, \$13,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol, Assistant Architect of the Capitol, and Second Assistant Architect of the Capitol and other personal services at rates of pay provided by law, \$825,000.

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of \$20,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies and to meet unforeseen expenses in connection with activities under his care, \$50,000.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For necessary expenditures for the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including improvements, maintenance, repair, equipment, supplies, material, fuel, oil, waste, and appurtenances; furnishings and office equipment; special and protective clothing for workmen; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902); personal and other services; cleaning and repairing works of art, without regard to section 3709 of the Revised Statutes, as amended; purchase or exchange, maintenance and operation of a passenger motor vehicle; purchase of necessary reference books and periodicals; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, \$2,127,400.

80 Stat. 508;
81 Stat. 206.

41 USC 5.

EXTENSION OF THE CAPITOL

For an additional amount for "Extension of the Capitol", \$2,275,000, to be expended under the direction of the Commission for Extension of the United States Capitol as authorized by law: *Provided*, That such portion of the foregoing appropriation as may be necessary shall be used for emergency shoring and repairs of, and related work on, the west central front of the Capitol: *Provided further*, That not to exceed \$250,000 of the foregoing appropriation shall be used for the employment of independent nongovernmental engineering and other necessary services for studying and reporting (within six months after the date of the employment contract) on the feasibility and cost of restoring such west central front under such terms and conditions as the Commission may determine: *Provided, however*, That pending the completion and consideration of such study and report, no further work toward extension of such west central front shall be carried on: *Provided further*, That after submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), unless such restoration study report establishes to the satisfaction of the Commission:

Feasibility and
cost studies of
restoration.

Conditions.

(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;

(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2;

(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lumpsum, fixed price construction bid or bids;

(4) That the cost of restoration would not exceed \$15,000,000; and

(5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work: *Provided further*, That after consideration of the restoration study report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commission shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol.

CAPITOL GROUNDS

For care and improvement of grounds surrounding the Capitol, the Senate and House Office Buildings, and the Capitol Power Plant; personal and other services; care of trees; planting; fertilizers; repairs to pavements, walks, and roadways; waterproof wearing apparel; maintenance of signal lights; and for snow removal by hire of men and equipment or under contract without regard to section 3709 of the Revised Statutes, as amended; \$874,100.

41 USC 5.

SENATE OFFICE BUILDINGS

For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto, and repairs thereof; for purchase of waterproof wearing apparel, and for personal and other services; including eight attendants at \$1,800 each; for the care and operation of the Senate Office Buildings; including the subway and subway transportation systems connecting the Senate Office Buildings with the Capitol; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902), to be expended under the control and supervision of the Architect of the Capitol; in all \$3,310,000, of which not to exceed \$35,000 shall be available for expenditure without regard to section 3709 of the Revised Statutes as amended.

80 Stat. 508;
81 Stat. 206.

EXTENSION OF ADDITIONAL SENATE OFFICE BUILDING SITE

To enable the Architect of the Capitol, under the direction of the Senate Office Building Commission, to acquire on behalf of the United States, in addition to the real property heretofore acquired as a site for an additional office building for the United States Senate under the provisions of the Second Deficiency Appropriation Act, 1948, approved June 25, 1948 (62 Stat. 1028) and Public Law 85–591, approved August 6, 1958 (72 Stat. 495–496), by purchase, condemnation, transfer, or otherwise, for purposes of extension of such site, all publicly or privately owned property contained in lots 863, 864, 892, 893, 894, and 905 in Square 725 in the District of Columbia, and all alleys or parts of alleys and streets contained within the curblines surrounding said squares, as such square appears on the records in the office of the surveyor of the District of Columbia as of the date of the approval of this Act: *Provided*, That any proceeding for condemnation brought under this Act shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351–1368): *Provided further*, That, notwithstanding any other provision of law, any real property owned by the United States and any alleys or parts of alleys and streets contained within the curblines surrounding Square

77 Stat. 577.

725 shall, upon request of the Architect of the Capitol, made with the approval of the Senate Office Building Commission, be transferred to the jurisdiction and control of the Architect of the Capitol, and any alleys or parts of alleys or streets contained within the curblines of said square shall be closed and vacated by the Commissioner of the District of Columbia, appointed pursuant to Part III of Reorganization Plan Numbered 3 of 1967, in accordance with any request therefor made by the Architect of the Capitol with the approval of such Commission: *Provided further*, That, upon acquisition of any real property pursuant to this Act, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any buildings or other structures on, or constituting a part of, such property and, pending demolition, to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith: *Provided further*, That the jurisdiction of the Capitol Police shall extend over any real property acquired under this Act and such property shall become a part of the United States Capitol Grounds; and the Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this appropriation; \$1,250,000, to remain available until expended.

81 Stat. 948.
D.C. Code title
1 app.

Contract
authority.

SENATE GARAGE

For maintenance, repairs, alterations, personal and other services, and all other necessary expenses, \$76,600.

HOUSE OFFICE BUILDINGS

For maintenance, including equipment; waterproof wearing apparel; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902); prevention and eradication of insect and other pests without regard to section 3709 of the Revised Statutes, as amended; miscellaneous items; and for all necessary services, including the position of Superintendent of Garages as authorized by law, \$5,479,000.

80 Stat. 508;
81 Stat. 206.
41 USC 5.

ACQUISITION OF PROPERTY, CONSTRUCTION, AND EQUIPMENT, ADDITIONAL HOUSE OFFICE BUILDING

For an additional amount for "Acquisition of property, construction, and equipment, additional House Office building", to enable the Architect of the Capitol, under the direction of the House Office Building Commission, to provide additional construction and equipment and other changes and improvements, authorized by the Additional House Office Building Act of 1955 (69 Stat. 41, 42), as amended, \$107,000.

40 USC 175
note.

CAPITOL POWER PLANT

For lighting, heating, and power (including the purchase of electrical energy) for the Capitol, Senate and House Office Buildings, Supreme Court Building, Congressional Library Buildings, and the grounds about the same, Botanic Garden, Senate garage, and for air-conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office, Washington City Post Office, and Folger Shakespeare Library, reimbursement for which shall be made and covered into the Treasury; personal and other services, fuel, oil, materials, waterproof wearing apparel, and all other necessary expenses in connection with the maintenance and operation of the plant; \$3,512,000, of which \$225,000 shall remain available until June 30, 1971.

EXPANSION OF FACILITIES, CAPITOL POWER PLANT

For an additional amount for "Expansion of facilities, Capitol power plant", \$300,000, to be expended by the Architect of the Capitol under the direction of the House Office Building Commission, in accordance with the provisions of the Act of September 2, 1958 (72 Stat. 1714-1716).

LIBRARY BUILDINGS AND GROUNDS**STRUCTURAL AND MECHANICAL CARE**

For necessary expenditures for mechanical and structural maintenance, including improvements, equipment, supplies, waterproof wearing apparel, and personal and other services, \$1,047,000, of which not to exceed \$10,000 shall be available for expenditure without regard to section 3709 of the Revised Statutes, as amended.

41 USC 5.

Not to exceed \$60,000 of the unobligated balance of the appropriation under this head for the fiscal year 1969 is hereby continued available until June 30, 1970.

FURNITURE AND FURNISHINGS

For furniture, partitions, screens, shelving, and electrical work pertaining thereto and repairs thereof, office and library equipment, apparatus, and labor-saving devices, \$350,000.

LIBRARY OF CONGRESS JAMES MADISON MEMORIAL BUILDING

For an additional amount for "Library of Congress James Madison Memorial Building", \$2,800,000, authorized by the Act of October 19, 1965 (79 Stat. 986-987): *Provided*, That availability of these funds for obligation shall be contingent upon enactment of legislation adjusting the limit of cost of the project (fixed by Section 3 of such Act) to reflect projected escalated construction costs required to complete the project on the basis of the preliminary plans heretofore approved by the Committee and Commissions designated in such Act.

2 USC 141
note.

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses incident to maintaining, operating, repairing, and improving the Botanic Garden and the nurseries, buildings, grounds, collections, and equipment pertaining thereto, including personal services; waterproof wearing apparel; not to exceed \$25 for emergency medical supplies; traveling expenses, including bus fares, not to exceed \$275; the prevention and eradication of insect and other pests and plant diseases by purchase of materials and procurement of personal services by contract without regard to the provisions of any other Act; purchase and exchange of motor trucks; purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; purchase of botanical books, periodicals, and books of reference, not to exceed \$100; all under the direction of the Joint Committee on the Library; \$599,800.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody, care, and maintenance of the Library Buildings; special clothing; cleaning, laundering, and repair of uniforms; preservation of motion pictures in the custody of the Library; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$19,061,500, including \$998,000 to be available for reimbursement to the General Services Administration for rental of suitable space in the District of Columbia or its immediate environs for the Library of Congress.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, \$3,124,000.

LEGISLATIVE REFERENCE SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 166), \$4,135,000: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration.

DISTRIBUTION OF CATALOG CARDS

SALARIES AND EXPENSES

For necessary expenses for the preparation and distribution of catalog cards and other publications of the Library, \$7,728,000: *Provided*, That \$200,000 of this appropriation shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), only to the extent necessary to provide for expenses (excluding permanent personal services) for workload increases not anticipated in the budget estimates and which cannot be provided for by normal budgetary adjustments.

BOOKS FOR THE GENERAL COLLECTIONS

For necessary expenses (except personal services) for acquisition of books, periodicals, and newspapers, and all other material for the increase of the Library, \$750,000, to remain available until expended, including \$25,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

BOOKS FOR THE LAW LIBRARY

For necessary expenses (except personal services) for acquisition of books, legal periodicals, and all other material for the increase of the law library, \$140,000, to remain available until expended.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

80 Stat. 330.

For salaries and expenses to carry out the provisions of the Act approved March 3, 1931 (2 U.S.C. 135a), as amended, \$6,997,000.

ORGANIZING AND MICROFILMING THE PAPERS OF THE PRESIDENTS

SALARIES AND EXPENSES

2 USC 131
note.

For necessary expenses to carry out the provisions of the Act of August 16, 1957 (71 Stat. 368), as amended by the Act of April 27, 1964 (78 Stat. 183), \$118,800, to remain available until expended.

COLLECTION AND DISTRIBUTION OF LIBRARY MATERIALS

(SPECIAL FOREIGN CURRENCY PROGRAM)

80 Stat. 1528.

For necessary expenses for carrying out the provisions of section 104(b)(5) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), to remain available until expended, \$1,802,000, of which \$1,603,000 shall be available only for payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States.

ADMINISTRATIVE PROVISIONS

Appropriations in this Act available to the Library of Congress for salaries shall be available for expenses of investigating the loyalty of Library employees; special and temporary services (including employees engaged by the day or hour or in piecework); and services as authorized by § U.S.C. 3109.

Not to exceed ten positions in the Library of Congress may be exempt from the provisions of appropriation Acts concerning the employment of aliens during the current fiscal year, but the Librarian shall not make any appointment to any such position until he has ascertained that he cannot secure for such appointments a person in any of the categories specified in such provisions who possesses the special qualifications for the particular position and also otherwise meets the general requirements for employment in the Library of Congress.

Funds available to the Library of Congress may be expended to reimburse the Department of State for medical services rendered to employees of the Library of Congress stationed abroad and for contracting on behalf of and hiring alien employees for the Library of Congress under compensation plans comparable to those authorized by section 444 of the Foreign Service Act of 1946, as amended (22 U.S.C. 889(a)); for purchase or hire of passenger motor vehicles; for payment of travel, storage and transportation of household goods, and transportation and per diem expenses for families en route (not to exceed twenty-four); for benefits comparable to those payable under sections 911(9), 911(11), and 941 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1136(9), 1136(11), and 1156, respectively); and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961, Public Law 87-195, 22 U.S.C. 2396(b); subject to such rules and regulations as may be issued by the Librarian of Congress.

Payments in advance for subscriptions or other charges for bibliographical data, publications, materials in any other form, and services may be made by the Librarian of Congress whenever he determines it to be more prompt, efficient, or economical to do so in the interest of carrying out required Library programs.

GOVERNMENT PRINTING OFFICE

PRINTING AND BINDING

For authorized printing and binding for the Congress; for printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing, binding, and distribution of the Federal Register (including the Code of Federal Regulations) as authorized by law (44 U.S.C. 1509, 1510); and print-

80 Stat. 416.
Employment of
aliens.

74 Stat. 831.

75 Stat. 464;
81 Stat. 671;
70 Stat. 706.

75 Stat. 458.

Advance pay-
ments.

82 Stat. 1256.

ing and binding of Government publications authorized by law to be distributed without charge to the recipients; \$30,300,000: *Provided*, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture): *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For necessary expenses of the Office of Superintendent of Documents, including compensation of all employees in accordance with the Act entitled "An Act to regulate and fix rates of pay for employees and officers of the Government Printing Office", approved June 7, 1924 (44 U.S.C. 305); travel expenses (not to exceed \$10,000); price lists and bibliographies; repairs to buildings, elevators and machinery; and supplying books to depository libraries; \$9,650,000: *Provided*, That \$200,000 of this appropriation shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), with the approval of the Public Printer, only to the extent necessary to provide for expenses (excluding permanent personal services) for workload increases not anticipated in the budget estimates and which cannot be provided for by normal budgetary adjustments.

82 Stat. 1240.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided*, That during the current fiscal year the revolving fund shall be available for the hire of one passenger motor vehicle and the purchase of one passenger motor vehicle (station wagon).

61 Stat. 584.
31 USC 849.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed \$2,000 to be expended on the certification of the Comptroller General of the United States in connection with special studies of governmental financial practices and procedures; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS-18; advance payments in foreign countries notwithstanding section 3648, Revised Statutes, as amended (31 U.S.C. 529); benefits comparable to those payable under sections 911(9), 911(11) and 942(a) of the Foreign

80 Stat. 416.
5 USC 5332
note.

Service Act of 1946, as amended (22 U.S.C. 1136(9), 1136(11) and 1157(a), respectively); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of Section 636(b) of the Foreign Assistance Act of 1961 (Public Law 87-195, 22 U.S.C. 2396(b)), \$63,000,000.

75 Stat. 464;
81 Stat. 671.

75 Stat. 458.

GENERAL PROVISIONS

SEC. 102. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles.

SEC. 103. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House, and clerk hire for Senators and Members shall be the permanent law with respect thereto: *Provided further*, That the provisions relating to positions and salaries thereof carried in House Resolutions 995 and 1211, Ninetieth Congress, and House Resolutions 357, 441, and 502, Ninety-first Congress, shall be the permanent law with respect thereto.

46 Stat. 32.
2 USC 60a note.

This Act may be cited as the "Legislative Branch Appropriation Act, 1970".

Short title.

Approved December 12, 1969.

Public Law 91-146

AN ACT

To authorize the appropriation of funds for Fort Donelson National Battlefield in the State of Tennessee, and for other purposes.

December 16, 1969
[H. R. 13767]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, there are hereby authorized to be appropriated such sums as may be necessary to satisfy the final net judgments rendered against the United States in civil actions numbered 3371 and 3397 in the United States District Court for the Middle District of Tennessee, Nashville Division, for the acquisition of lands for the Fort Donelson National Battlefield, totaling \$12,721.25, plus interest as provided by law.

Fort Donelson
National Battle-
field, Tenn.
Judgment funds.

Approved December 16, 1969.

Public Law 91-147

December 16, 1969
[S. J. Res. 143]

Copyright
protection.
Extension.

82 Stat. 397.
17 USC 24
notes.

JOINT RESOLUTION
Extending the duration of copyright protection in certain cases.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution, or the term thereof as extended by Public Law 87-668, by Public Law 89-142, by Public Law 90-141, or by Public Law 90-416 (or by all or certain of said laws), would expire prior to December 31, 1970, such term is hereby continued until December 31, 1970.

Approved December 16, 1969.

Public Law 91-148

December 18, 1969
[S. 118]

Tahoe Regional
Planning Compact.
Consent of
Congress.

AN ACT

To grant the consent of the Congress to the Tahoe regional planning compact, to authorize the Secretary of the Interior and others to cooperate with the planning agency thereby created, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to encourage the wise use and conservation of the waters of Lake Tahoe and of the resources of the area around said lake, the consent of the Congress is hereby given to the Tahoe regional planning compact heretofore adopted by the States of California and Nevada, which compact reads as follows:

"TAHOE REGIONAL PLANNING COMPACT**"Article I. Findings and Declarations of Policy**

"(a) It is found and declared that the waters of Lake Tahoe and other resources of the Lake Tahoe region are threatened with deterioration or degeneration, which may endanger the natural beauty and economic productivity of the region.

"(b) It is further declared that by virtue of the special conditions and circumstances of the natural ecology, developmental pattern, population distribution, and human needs in the Lake Tahoe region, the region is experiencing problems of resource use and deficiencies of environmental control.

"(c) It is further found and declared that there is a need to maintain an equilibrium between the region's natural endowment and its manmade environment, to preserve the scenic beauty and recreational opportunities of the region, and it is recognized that for the purpose

of enhancing the efficiency and governmental effectiveness of the region, it is imperative that there be established an areawide planning agency with power to adopt and enforce a regional plan of resource conservation and orderly development, to exercise effective environmental controls and to perform other essential functions, as enumerated in this title.

“ARTICLE II. DEFINITIONS

“As used in this compact:

“(a) ‘Region,’ includes Lake Tahoe, the adjacent parts of the Counties of Douglas, Ormsby, and Washoe lying within the Tahoe Basin in the State of Nevada, and the adjacent parts of the Counties of Placer and El Dorado lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside of the Tahoe Basin in the State of California which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to Township 15 North, Range 16 East, M.D.B.&M. The region defined and described herein shall be as precisely delineated on official maps of the agency.

“(b) ‘Agency’ means the Tahoe Regional Planning Agency.

“(c) ‘Governing body’ means the governing board of the Tahoe Regional Planning Agency.

“(d) ‘Regional plan’ shall mean the long-term general plan for the development of the region.

“(e) ‘Interim plan’ shall mean the interim regional plan adopted pending the adoption of the regional plan.

“(f) ‘Planning commission’ means the advisory planning commission appointed pursuant to paragraph (h) of Article III.

“ARTICLE III. ORGANIZATION

“(a) There is created the Tahoe Regional Planning Agency as a separate legal entity.

“The governing body of the agency shall be constituted as follows:

“One member appointed by each of the County Boards of Supervisors of the Counties of El Dorado and Placer and one member appointed by the City Council of the City of South Lake Tahoe. Each member shall be a member of the city council or county board of supervisors which he represents and, in the case of a supervisor, shall be a resident of a county supervisorial district lying wholly or partly within the region.

“One member appointed by each of the boards of county commissioners of Douglas, Ormsby and Washoe counties. Any member so

appointed shall be a resident of the county from which he is appointed and may be, but is not required to be:

“(1) A member of the board which appoints him; and

“(2) a resident of or the owner of real property in the region, as each board of county commissioners may in its own discretion determine. The manner of selecting the person so to be appointed may be further prescribed by county ordinance. A person so appointed shall before taking his seat on the governing body disclose all his economic interests in the region, and shall thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. If any board of county commissioners fails to make an appointment required by this paragraph within 30 days after the effective date of this act or the occurrence of a vacancy on the governing body, the governor shall make such appointment. The position of a member appointed by a board of county commissioners shall be deemed vacant if such member is absent from three consecutive meetings of the governing body in any calendar year.

“One member appointed by the Governor of California and one member appointed by the Governor of Nevada. The appointment of the California member is subject to Senate confirmation; he shall not be a resident of the region and shall represent the public at large. The member appointed by the Governor of Nevada shall not be a resident of the region and shall represent the public at large.

“The Administrator of the California Resources Agency or his designee and the Director of the Nevada Department of Conservation and Natural Resources or his designee.

“(b) The members of the agency shall serve without compensation, but the expenses of each member shall be met by the body which he represents in accordance with the law of that body. All other expenses incurred by the governing body in the course of exercising the powers conferred upon it by this compact unless met in some other manner specifically provided, shall be paid by the agency out of its own funds.

“(c) The term of office of the members of the governing body shall be at the pleasure of the appointing authority in each case, but each appointment shall be reviewed no less often than every 4 years.

“(d) The governing body of the agency shall meet at least monthly. All meetings shall be open to the public to the extent required by the law of the State of California or the State of Nevada, whichever imposes the greater requirement, applicable to local governments at the time such meeting is held. The governing body shall fix a date for its regular monthly meeting in such terms as ‘the first Monday of each month,’ and shall not change such date oftener than once in any calendar year. Notice of the date so fixed shall be given by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region. Notice of any

special meeting, except an emergency meeting, shall be given by so publishing the date, place and agenda at least 5 days prior to the meeting.

“(e) The position of a member of the governing body shall be considered vacated upon his loss of any of the qualifications required for his appointment and in such event the appointing authority shall appoint a successor.

“(f) The governing body shall elect from its own members a chairman and vice chairman, whose terms of office shall be two years, and who may be reelected. If a vacancy occurs in either office, the governing body may fill such vacancy for the unexpired term.

“(g) A majority of the members of the governing body from each state shall constitute a quorum for the transaction of the business of the agency. A majority vote of the members present representing each state shall be required to take action with respect to any matter. The vote of each member of the governing body shall be individually recorded. The governing body shall adopt its own rules, regulations and procedures.

“(h) An advisory planning commission shall be appointed by the agency, which shall consist of an equal number of members from each state. The commission shall include but shall not be limited to: the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and the Counties of Douglas, Ormsby, and Washoe in Nevada, the Placer County Director of Sanitation, the El Dorado County Director of Sanitation, the county health officer of Douglas County or his designee, the county health officer of Washoe County or his designee, the Chief of the Bureau of Environment Health of the Health Division of Department of Health, Welfare and Rehabilitation of the State of Nevada or his designee, the executive officer of the Lahontan Regional Water Quality Control Board or his designee, the executive officer of the Tahoe Regional Planning Agency who shall act as chairman and at least four lay members each of whom shall be a resident of the region.

“(i) The agency shall establish and maintain an office within the region. The agency may rent or own property and equipment. Every plan, ordinance and other record of the agency which is of such nature as to constitute a public record under the law of either the State of California or the State of Nevada shall be open to inspection and copying during regular office hours.

“(j) Each authority charged under this compact or by the law of either state with the duty of appointing a member of the governing body of the agency shall by certified copy of its resolution or other action notify the Secretary of State of its own state of the action taken. Upon receipt of certified copies of the resolutions or notifications appointing the members of the governing body, the Secretary of State of each respective state shall notify the Governor of the state who shall,

after consultation with the Governor of the other state, issue a concurrent call for the organization meeting of the governing body at a location determined jointly by the two governors.

“(k) Each state may provide by law for the disclosure or elimination of conflicts of interest on the part of members of the governing body appointed from that state.

“ARTICLE IV. PERSONNEL

“(a) The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and shall employ such other staff and legal counsel as may be necessary to execute the powers and functions provided for under this act or in accordance with any intergovernmental contracts or agreements the agency may be responsible for administering.

“(b) Agency personnel standards and regulations shall conform insofar as possible to the regulations and procedures of the civil service of the State of California or the State of Nevada, as may be determined by the governing body of the agency, and shall be regional and bistrate in application and effect; provided that the governing body may, for administrative convenience and at its discretion, assign the administration of designated personnel arrangements to an agency of either state, and provided that administratively convenient adjustments be made in the standards and regulations governing personnel assigned under intergovernmental agreements.

“(c) The agency may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the agency terms and conditions of employment similar to those enjoyed by employees of California and Nevada generally.

“ARTICLE V. PLANNING

“(a) In preparing each of the plans required by this article and each amendment thereto, if any, subsequent to its adoption, the planning commission after due notice shall hold at least one public hearing which may be continued from time to time, and shall review the testimony and any written recommendations presented at such hearing before recommending the plan or amendment. The notice required by this paragraph shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region.

“The planning commission shall then recommend such plan or amendment to the governing body for adoption by ordinance. The governing body may adopt, modify or reject the proposed plan or amendment, or may initiate and adopt a plan or amendment without referring it to the planning commission. If the governing body initiates or substantially modifies a plan or amendment, it shall hold at least one public hearing thereon after due notice as required in this paragraph.

“If a request is made for the amendment of the regional plan by:

“(1) a political subdivision a part of whose territory would be affected by such amendment; or

“(2) the owner or lessee of real property which would be affected by such amendment,

the governing body shall complete its action on such amendment within 60 days after such request is delivered to the agency.

"TAHOE REGIONAL PLAN"

"(b) Within 15 months after the formation of the agency, the planning commission shall recommend a regional plan. Within 18 months after the formation of the agency, the governing body shall adopt a regional plan. After adoption, the planning commission and governing body shall continuously review and maintain the regional plan. The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards, and elements of the regional plan.

"The regional plan shall include the following correlated elements:

"(1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to, an indication or allocation of maximum population densities.

"(2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to, freeways, parkways, highways, transportation facilities, transit routes, waterways, navigation and aviation aids and facilities, and appurtenant terminals and facilities for the movement of people and goods within the region.

"(3) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural resources within the basin, including but not limited to, soils, shoreline and submerged lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities.

"(4) A recreation plan for the development, utilization, and management of the recreational resources of the region, including but not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas and other recreational facilities.

"(5) A public services and facilities plan for the general location, scale and provision of public services and facilities, which, by the nature of their function, size, extent and other characteristics are necessary or appropriate for inclusion in the regional plan.

"In formulating and maintaining the regional plan, the planning commission and governing body shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the state, federal and other public agencies and nongovernmental agencies and organizations which affect or are concerned with planning and development within the region. Where necessary for the realization of the regional plan, the agency may engage in collaborative planning with local governmental jurisdictions located outside the region, but contiguous to its boundaries. In formulating and implementing the regional plan, the agency shall seek the cooperation and consider the recommendations of counties and cities and other agencies of local government, of state and federal agencies, of educational institutions and research organizations, whether public or private, and of civic groups and private individuals.

"(c) All provisions of the Tahoe regional general plan shall be enforced by the agency and by the states, counties and cities in the region.

"TAHOE REGIONAL INTERIM PLAN

"(d) Within 60 days after the formation of the agency, the planning commission shall recommend a regional interim plan. Within 90 days after the formation of the agency, the governing body shall adopt a regional interim plan. The interim plan shall consist of statements of development policies, criteria and standards for planning and development, of plans or portions of plans, and projects and planning decisions, which the agency finds it necessary to adopt and administer on an interim basis in accordance with the substantive powers granted to it in this agreement.

"(e) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan and interim plan, in a form suitable to assure a consistent view of developmental trends and other relevant information for the availability of and use by other agencies of government and by private organizations and individuals concerned.

"(f) All provisions of the interim plan shall be enforced by the agency and by the states, the counties, and cities.

"ARTICLE VI. AGENCY'S POWERS

"(a) The governing body shall adopt all necessary ordinances, rules, regulations and policies to effectuate the adopted regional and interim plans. Every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the basin, and any political subdivision may adopt and enforce an equal or higher standard applicable to the same subject of regulation in its territory. The regulations shall contain general, regional standards including but not limited to the following: water purity and clarity; subdivision; zoning; tree removal; solid waste disposal; sewage disposal; land fills, excavations, cuts and grading; piers; harbors, breakwaters; or channels and other shoreline developments; waste disposal in shoreline areas; waste disposal from boats; mobile-home parks; house relocation; outdoor advertising; flood plain protection; soil and sedimentation control; air pollution; and watershed protection. Whenever possible, without diminishing the effectiveness of the interim plan or the general plan, the ordinances, rules, regulations and policies shall be confined to matters which are general and regional in application, leaving to the jurisdiction of the respective states, counties and cities the enactment of specific and local ordinances, rules, regulations and policies which conform to the interim or general plan.

"Every ordinance adopted by the agency shall be published at least once by title in a newspaper or combination of newspapers whose circulation is general throughout the region. Except an ordinance adopting or amending the interim plan or the regional plan, no ordinance shall become effective until 60 days after its adoption. Immediately after its adoption, a copy of each ordinance shall be transmitted to the governing body of each political subdivision having territory within the region.

"Interim regulations shall be adopted within 90 days from the formation of the agency and final regulations within 18 months after the formation of the agency.

"Every plan, ordinance, rule, regulation or policy adopted by the agency shall recognize as a permitted and conforming use any business or recreational establishment which is required by law of the state in which it is located to be individually licensed by the state, if such business or establishment:

"(1) Was so licensed on February 5, 1968, or was licensed for a

limited season during any part of the calendar year immediately preceding February 5, 1968.

“(2) Is to be constructed on land which was so zoned or designated in a finally adopted master plan on February 5, 1968, as to permit the construction of such a business or establishment.

“(b) All ordinances, rules, regulations and policies adopted by the agency shall be enforced by the agency and by the respective states, counties, and cities. The appropriate courts of the respective states, each within its limits of territory and subject matter provided by state law, are vested with jurisdiction over civil actions to which the agency is a party and criminal actions for violations of its ordinances. Each such action shall be brought in a court of the state where the violation is committed or where the property affected by a civil action is situated, unless the action is brought in a federal court. For this purpose, the agency shall be deemed a political subdivision of both the State of California and the State of Nevada.

“(c) Except as otherwise provided in paragraph (d), all public works projects shall be reviewed prior to construction and approved by the agency as to the project's compliance with the adopted regional general plan.

“(d) All plans, programs and proposals of the State of California or Nevada, or of its executive or administrative agencies, which may substantially affect, or may specifically apply, to the uses of land, water, air, space and other natural resources in the region, including but not limited to public works plans, programs and proposals concerning highway routing, design and construction, shall be referred to the agency for its review, as to conformity with the regional plan or interim plan, and for report and recommendations by the agency to the executive head of the state agency concerned and to the Governor. A public works project which is initiated and is to be constructed by a department of either state shall be submitted to the agency for review and recommendation, but may be constructed as proposed.

“(e) The agency shall police the region to ensure compliance with the general plan and adopted ordinances, rules, regulations and policies. If it is found that the general plan, or ordinances, rules, regulations and policies are not being enforced by a local jurisdiction, the agency may bring action in a court of competent jurisdiction to ensure compliance.

“(f) Violation of any ordinance of the agency is a misdemeanor.

“(g) The agency is hereby empowered to initiate, negotiate and participate in contracts and agreements among the local governmental authorities of the region, or any other intergovernmental contracts or agreements authorized by state or federal law.

“(h) Each intergovernmental contract or agreement shall provide for its own funding and staffing, but this shall not preclude financial contributions from the local authorities concerned or from supplementary sources.

“(i) Whenever a new city is formed within the region, the membership of the governing body shall be increased by two additional members, one appointed by, and who shall be a member of, the legislative body of the new city, and one appointed by the Governor of the state in which the city is not located. A member appointed by the Governor of California is subject to Senate confirmation.

“(j) Every record of the agency, whether public or not, shall be open for examination to the Legislative Analyst of the State of California and the Fiscal Analyst of the State of Nevada.

“(k) Whenever under the provisions of this article or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency

is required to review or approve any proposal, public or private, the agency shall take final action, whether to approve, to require modification or to reject such proposal, within 60 days after such proposal is delivered to the agency. If the agency does not take final action within 60 days, the proposal shall be deemed approved.

“ARTICLE VII. FINANCES

“(a) Except as provided in paragraph (e), on or before December 30 of each calendar year the agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year. The agency shall apportion not more than \$150,000 of this amount among the counties within the region on the same ratio to the total sum required as the full cash valuation of taxable property within the region in each county bears to the total full cash valuation of taxable property within the region. Each county in California shall pay the sum allotted to it by the agency from any funds available therefor and may levy a tax on any taxable property within its boundaries sufficient to pay the amount so allocated to it. Each county in Nevada shall pay such sums from its general fund or from any other moneys available therefor.

“(b) The agency may fix and collect reasonable fees for any services rendered by it.

“(c) The agency shall be strictly accountable to any county in the region for all funds paid by it to the agency and shall be strictly accountable to all participating bodies for all receipts and disbursements.

“(d) The agency is authorized to receive gifts, donations, subventions, grants, and other financial aids and funds.

“(e) As soon as possible after the ratification of this compact, the agency shall estimate the amount of money necessary to support its activities:

“(1) For the remainder of the then-current fiscal year; and

“(2) If the first estimate is made between January 1 and June 30, for the fiscal year beginning on July 1 of that calendar year.

The agency shall then allot such amount among the several counties, subject to the restriction and in the manner provided in paragraph (a), and each county shall pay such amount.

“(f) The agency shall not obligate itself beyond the moneys due under this article for its support from the several counties for the current fiscal year, plus any moneys on hand or irrevocably pledged to its support from other sources. No obligation contracted by the agency shall bind either of the party states or any political subdivision thereof.

“ARTICLE VIII. MISCELLANEOUS

“(a) It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. Except as provided in paragraph (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force

and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

“(b) The agency shall have such additional powers and duties as may hereafter be delegated or imposed upon it from time to time by the action of the Legislature of either state concurred in by the Legislature of the other.

“(c) A state party to this compact may withdraw therefrom by enacting a statute repealing the compact. Notice of withdrawal shall be communicated officially and in writing to the Governor of the other state and to the agency administrators. This provision is not severable, and if it is held to be unconstitutional or invalid, no other provision of this compact shall be binding upon the State of Nevada or the State of California.

“(d) No provision of this compact shall have any effect upon the allocation or distribution of interstate waters or upon any appropriative water right.”

SEC. 2. The Secretary of the Interior and the Secretary of Agriculture are authorized, upon request of the Tahoe Regional Planning Agency, to cooperate with said agency in all respects compatible with carrying out the normal duties of their Departments.

SEC. 3. The consent to the compact by the United States is subject to the condition that the President may appoint a nonvoting representative of the United States to the Tahoe regional planning governing board.

SEC. 4. Any additional powers conferred on the agency pursuant to article VIII(b) of the compact shall not be exercised unless consented to by the Congress.

SEC. 5. Nothing contained in this Act or in the compact consented to shall in any way affect the powers, rights, or obligations of the United States, or the applicability of any law or regulation of the United States in, over, or to the region or waters which are the subject of the compact, or in any way affect rights owned or held by or for Indians or Indian tribes subject to the jurisdiction of the United States.

SEC. 6. The right is hereby reserved by the Congress or any of its standing committees to require the disclosure and furnishing of such information and data by or concerning the Tahoe Regional Planning Agency as is deemed appropriate by the Congress or such committee.

SEC. 7. The right to alter, amend or repeal this Act is expressly reserved.

Approved December 18, 1969.

Public Law 91-149

AN ACT

To declare that the United States holds in trust for the Southern Ute Tribe approximately 214.37 acres of land.

December 22, 1969

[H. R. 12785]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in the lands described below, which are excess to the needs of the Bureau of Indian Affairs, shall be held in trust by the United States for the Southern Ute Tribe subject to the laws and regulations that apply to other lands held in trust for the tribe:

(a) The portion of the east half west half northeast quarter, section 5, lying west of the Pine River; that portion of the east half northeast quarter, section 5, lying west of the Pine River; and that portion of the northwest quarter northwest quarter, section 4,

Indians.
Southern Ute
Tribe.
Lands in trust.

Governmental cooperation.

Condition.

lying west of the Pine River, all in township 33 north, range 7 west, New Mexico principal meridian, Colorado, containing 110 acres.

(b) That portion of the northeast quarter northwest quarter, section 5, township 33 north, range 7 west, New Mexico principal meridian, La Plata County, Colorado, described as: Beginning at the northeast corner of the northwest quarter, section 5; thence running south 1,329 feet; thence turning on azimuth of 89 degrees 16 minutes right and running west 844 feet; thence turning on azimuth of 121 degrees 55 minutes right and running northeast 400 feet; thence turning on azimuth 6 degrees 21 minutes left and running northeast 379 feet; thence turning on azimuth of 1 degree 46 minutes left and running northeast 318 feet; thence turning on azimuth of 2 degrees 50 minutes left and running northeast 383 feet; thence turning on azimuth of 69 degrees 7 minutes right and running east 219.3 feet to the point of beginning, containing 15.37 acres, more or less.

(c) West half northwest quarter northeast quarter, section 5, township 33 north, range 7 west, New Mexico principal meridian, La Plata County, Colorado; containing 20.00 acres, more or less.

(d) West half southwest quarter northeast quarter, and the southeast quarter northwest quarter, section 5, township 33 north, range 7 west, New Mexico principal meridian, La Plata County, Colorado; containing 60 acres, more or less.

(e) That portion of the northwest quarter southwest quarter, section 5, township 33 north, range 7 west, New Mexico principal meridian, La Plata County, Colorado, described as: Beginning at a point 1,235 feet west of the northeast corner of the northwest quarter southwest quarter section 5, thence south 208 feet, thence west 208 feet, thence north 208 feet, thence east 208 feet, to the point of beginning, containing one acre, more or less, together with an easement of right-of-way for water pipeline purposes running east from the northeast corner of the one acre along the north line of the northwest quarter southwest quarter of section 5, 1,235 feet to the northeast corner of the northwest quarter southwest quarter, thence south 20 feet, thence west in a line parallel to the north line of the northwest quarter southwest quarter, 1,235 feet to the east line of the one-acre tract herein conveyed, thence north 20 feet to the point of beginning of the right-of-way for a pipeline to connect with the reservoir on the northeast quarter southeast quarter of section 5, all subject to the reservation of a right of the United States to use the property conveyed as long as the Secretary of the Interior deems necessary.

(f) That portion of the southwest quarter southeast quarter, section 14U described as: Beginning at the southwest corner of the southwest quarter of the southeast quarter of section 14U, township 34 north, range 7 west, New Mexico principal meridian, La Plata County, Colorado; thence east 20 rods; thence north 64 rods; thence west 20 rods; thence south 64 rods to the point of beginning; containing eight acres, more or less; together with an equitable proportionate share of the water belonging to allotment numbered 172 in what is known as the Bent Ditch.

SEC. 2. The Indian Claims Commission is directed to determine, in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Approved December 22, 1969.

Public Law 91-150

AN ACT

To authorize the disposal of certain real property in the Chickamauga and Chattanooga National Military Park, Georgia, under the Federal Property and Administrative Services Act of 1949.

December 22, 1969
[H. R. 9163]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 3(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(d)), the Secretary of the Interior may designate as excess property subject to the retention by the Department of the Interior of a reversionary interest in perpetuity with respect to any portion of such property not utilized for educational purposes under that Act, lot 94 in the ninth district and fourth section of Catoosa County, Georgia, the same consisting of one hundred and sixty acres, more or less, in the Chickamauga battlefield section of the Chickamauga and Chattanooga National Military Park in the State of Georgia, and such lot shall be utilized or disposed of by the Administrator of General Services in accordance with the remaining provisions of such Act.

Chickamauga
and Chattanooga
National Military
Park, Ga.
Real property,
disposal.
72 Stat. 29.

Approved December 22, 1969.

Public Law 91-151

AN ACT

To lower interest rates and fight inflation; to help housing, small business, and employment; to increase the availability of mortgage credit; and for other purposes.

December 23, 1969
[S. 2577]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Interest rates
and mortgage
credit controls.
Extension.

TITLE I—AMENDMENTS TO EXISTING ACTS

SECTION 1. Section 7 of the Act of September 21, 1966 (Public Law 89-587; 80 Stat. 823) is amended to read:

“SEC. 7. Effective March 22, 1971:

“(1) So much of section 19(j) of the Federal Reserve Act (12 U.S.C. 371(b)) as precedes the third sentence thereof is amended to read as it would without the amendment made by section 2(c) of this Act.

82 Stat. 856;
Ante, p. 115.
12 USC 461
note.

“(2) The second and third sentences of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) are amended to read as they would without the amendment made by section 3 of this Act.

“(3) The last three sentences of section 18(g) of the Federal

Repeal.

64 Stat. 893.

Deposit Insurance Act (12 U.S.C. 1828(g)) are repealed.

“(4) Section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is repealed.”

SEC. 2. (a) Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by adding at the end thereof the following new sentence: “The authority conferred by this subsection shall also apply to noninsured banks in any State if (1) the total amount of time and savings deposits held in all such banks in the State, plus the total amount of deposits, shares, and withdrawable accounts held in all building and loan, savings and loan, and homestead associations (including cooperative banks) in the State which are not members of a Federal home loan bank, is more than 20 per centum of the total amount of such deposits, shares, and withdrawable accounts held in all banks, and building and loan, savings and loan, and homestead associations (including cooperative banks) in the State, and (2) there does not exist under the laws of such State a bank supervisory agency with authority comparable to that conferred by this subsection, including specifically the authority to regulate the rates of interest and dividends paid by such noninsured banks on time and savings deposits, or if such agency exists it has not issued regulations in the exercise of that authority. Such authority shall only be exercised by the Board of Directors with respect to such noninsured banks prior to July 31, 1970, to limit the rates of interest or dividends which such banks may pay on time and savings deposits to maximum rates not lower than 5½ per centum per annum. Whenever it shall appear to the Board of Directors that any noninsured bank or any affiliate thereof is engaged or has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this subsection or of any regulations thereunder, the Board of Directors may, in its discretion, bring an action in the United States district court for the judicial district in which the principal office of the noninsured bank or affiliate thereof is located to enjoin such acts or practices, to enforce compliance with this subsection or any regulations thereunder, or for a combination of the foregoing, and such courts shall have jurisdiction of such actions, and, upon a proper showing, an injunction, restraining order, or other appropriate order may be granted without bond.”

(b) Section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is amended to read as follows:

“SEC. 5B. (a) The Board may from time to time, after consulting with the Board of Governors of the Federal Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation, prescribe rules governing the payment and advertisement of interest or dividends on deposits, shares, or withdrawable accounts, including limitations on the rates of interest or dividends on deposits, shares, or withdrawable accounts that may be paid by members, other than those the deposits of which are insured in accordance with the provisions of the Federal Deposit Insurance Act, by institutions which are insured

**Rate ceilings,
savings and
loan associations.**
80 Stat. 824;
82 Stat. 856.
Supra.

64 Stat. 873.
12 USC 1811
note.

institutions as defined in section 401(a) of the National Housing Act, and by nonmember building and loan, savings and loan, and homestead associations, and cooperative banks. The Board may prescribe different rate limitations for different classes of deposits, shares, or withdrawable accounts, for deposits, shares, or withdrawable accounts of different amounts or with different maturities or subject to different conditions regarding withdrawal or repayment, according to the nature or location of such members, institutions, or nonmembers or their depositors, shareholders or withdrawable account holders, or according to such other reasonable bases as the Board may deem desirable in the public interest. The authority conferred by this subsection shall apply to nonmember building and loan, savings and loan, and homestead associations, and cooperative banks in any State if (1) the total amount of deposits, shares, and withdrawable accounts held in all such nonmember associations and banks in the State, plus the total amount of time and savings deposits held in all banks in the State which are not insured by the Federal Deposit Insurance Corporation, is more than 20 per centum of the total amount of such deposits, shares, and withdrawable accounts held in all banks, and building and loan, savings and loan, and homestead associations (including cooperative banks) in the State, and (2) there does not exist under the laws of such State a bank supervisory agency with authority comparable to that conferred by the first two sentences of this subsection, including specifically the authority to regulate the rates of interest and dividends paid by any such association or bank on deposits, shares, or withdrawable accounts, or if such agency exists it has not issued regulations in the exercise of that authority. Such authority shall only be exercised by the Board with respect to such nonmember associations and banks prior to July 31, 1970, to limit the rates of interest or dividends which such associations or banks may pay on deposits, shares, or withdrawable accounts to maximum rates not lower than $5\frac{1}{2}$ per centum per annum.

48 Stat. 1255;
80 Stat. 1055.
12 USC 1724.

“(b) In addition to any other penalty provided by this or any other law, any institution subject to this section which violates a rule promulgated pursuant to this section shall be subject to such civil penalties, which shall not exceed \$100 for each violation, as may be prescribed by said Board by rule and such rule may provide with respect to any or all such violations that each day on which the violation continues shall constitute a separate violation. The Board may recover any such civil penalty for its own use, through action or otherwise, including recovery thereof in any other action or proceeding under this section. The Board may, at any time before collection of any such penalty, whether before or after the bringing of an action or other legal proceeding, the obtaining of any judgment or other recovery, or the issuance or levy of any execution or other legal process therefor, and with or without consideration, compromise, remit, or mitigate in whole or in part any such penalty or any such recovery.

Penalty.

“(c) Whenever it shall appear to the Board that any nonmember institution is engaged or has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this section or of any regulations thereunder, the Board may, in its discretion, bring an action in the United States district court for the judicial district in which the principal office of the institution is located to enjoin such acts or practices, to enforce compliance with this section or any regulations thereunder, or for a combination of the foregoing, and such courts shall have jurisdiction of such actions, and, upon a proper showing, an injunction, restraining order, or other appropriate order may be granted without bond.

Expenses.

64 Stat. 258.
12 USC 1431.

“(d) All expenses of the Board under this section shall be considered as nonadministrative expenses.”

SEC. 3. Section 11(i) of the Federal Home Loan Bank Act (12 U.S.C. 1431(i)) is amended—

(1) by striking out “\$1,000,000,000” and inserting in lieu thereof “\$4,000,000,000”;

(2) by striking out the last sentence thereof and inserting in lieu thereof the following: “Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon terms and conditions as shall be determined by the Secretary of the Treasury and shall bear such rate of interest as may be determined by the Secretary of the Treasury taking into consideration the current average market yield for the month preceding the month of such purchase on outstanding marketable obligations of the United States.”; and

(3) by adding at the end thereof a new paragraph as follows: “The authority provided in this subsection shall be used by the Secretary of the Treasury, when alternative means cannot effectively be employed, to permit members of the Home Loan Bank System to continue to supply reasonable amounts of funds to the mortgage market whenever the ability to supply such funds is substantially impaired during periods of monetary stringency and rapidly rising interest rates and any funds so borrowed shall be repaid by the Home Loan Bank Board at the earliest practicable date.”

80 Stat. 823.

64 Stat. 893.

SEC. 4. (a) Section 19(a) of the Federal Reserve Act (12 U.S.C. 461) is amended by inserting after the word “interest,” the following: “to determine what types of obligations, whether issued directly by a member bank or indirectly by an affiliate of a member bank or by other means, shall be deemed a deposit.”

(b) (1) The fourth sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows: “The Board of Directors is authorized for the purposes of this subsection to define the terms ‘time deposits’ and ‘savings deposits’, to determine what shall be deemed a payment of interest, and to prescribe such regulations as it may deem necessary to effectuate the purposes of this subsection and to prevent evasions thereof.”

(2) Section 18(g) of such Act is further amended by inserting after the fifth sentence the following: “The provisions of this subsection and of regulations issued thereunder shall also apply, in the discretion of the Board of Directors, to obligations other than deposits that are undertaken by insured nonmember banks or their affiliates for the purpose of obtaining funds to be used in the banking business. As used in this subsection, the term ‘affiliate’ has the same meaning as when used in section 2(b) of the Banking Act of 1933, as amended (12 U.S.C. 221a(b)), except that the term ‘member bank’, as used in such section 2(b), shall be deemed to refer to an insured nonmember bank.”

48 Stat. 162;
80 Stat. 242.

(c) The first sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by inserting "or dividends" after "interest".

64 Stat. 893.

SEC. 5. Section 19(b) of the Federal Reserve Act (12 U.S.C. 461) is amended by adding at the end thereof a new sentence as follows: "The Board may, however, prescribe any reserve ratio, not more than 22 per centum, with respect to any indebtedness of a member bank that arises out of a transaction in the ordinary course of its banking business with respect to either funds received or credit extended by such bank to a bank organized under the law of a foreign country or a dependency or insular possession of the United States."

SEC. 6. (a) Effective as of the close of December 31, 1969, section 404 of the National Housing Act is amended

80 Stat. 823.

(1) by striking out "plus any creditor obligations of such institution" in subsection (b)(1), and the amendment made by this subdivision (1) shall be applicable also to any then unexpired portion of any then current premium year under subsection (b)(1).

Effective date.
48 Stat. 1258;
75 Stat. 483.
12 USC 1727.

(2) by striking out "and creditor obligations" in subsection (b)(2).

(3) by striking out "and its creditor obligations" in subsection (c).

(4) by striking out "and creditor obligations" each place it appears in subsection (g). The condition in the first sentence of that subsection shall be deemed to be met as of the close of December 31, 1969. The words "such year" in that sentence shall be deemed to include also the year beginning January 1, 1970.

(b) The Federal Savings and Loan Insurance Corporation is authorized by regulation or otherwise

(1) to make such provisions as it may deem advisable with respect to the order in which and the extent to which the components of a pro rata share of its secondary reserve shall be applied or be deemed to have been applied in the case of a reduction of such share through a use under the second sentence of section 404(e) of the National Housing Act or the first sentence of section 404(g), a transfer of part of such share under the third sentence of section 404(e), or otherwise.

(2) to take such action, including without limitation such adjustments and refunds and such deferrals of premium payments and other payments, as it may determine to be necessary or appropriate for or in connection with the implementation of this section or other legislation amending or supplementing said section 404.

SEC. 7. (a) The following provisions of the Federal Deposit Insurance Act are amended by changing "\$15,000", each place it appears therein, to read "\$20,000":

64 Stat. 873.
12 USC 1811
note.
80 Stat. 1055.

(1) The first sentence of section 3(m) (12 U.S.C. 1813(m)).

(2) The first sentence of section 7(i) (12 U.S.C. 1817(i)).

(3) The last sentence of section 11(a) (12 U.S.C. 1821(a)).

(4) The fifth sentence of section 11(i) (12 U.S.C. 1821(i)).

(b) The amendments made by this section are not applicable to any claim arising out of the closing of a bank prior to the date of enactment of this Act.

SEC. 8. (a) The following provisions of title IV of the National Housing Act are amended by changing "\$15,000", each place it appears therein, to read "\$20,000":

48 Stat. 1255;
81 Stat. 611.
12 USC 1724-
1730c.
80 Stat. 1055.

(1) Section 401(b) (12 U.S.C. 1724(b)).

(2) Section 405(a) (12 U.S.C. 1728(a)).

48 Stat. 1256.
12 USC 1724.

64 Stat. 818;
69 Stat. 581.
50 USC app.
2158.

Repeal.
66 Stat. 305.
50 USC app.
2158.

(b) The amendments made by this section are not applicable to any claim arising out of a default, as defined in section 401(d) of the National Housing Act, where the appointment of a conservator, receiver, or other legal custodian as set forth in that section becomes effective prior to the date of enactment of this Act.

SEC. 9. (a) Section 708(b) of the Defense Production Act of 1950 (50 U.S.C. 2158(b)) is amended by striking out everything after "United States", the first time it appears, and inserting a period in lieu thereof.

(b) Section 708(f) of that Act (50 U.S.C. 2158(f)) is repealed.

TITLE II—AUTHORITY FOR CREDIT CONTROL

Sec. 201. Short title

This title may be cited as the Credit Control Act.

Sec. 202. Definitions and rules of construction

(a) The definitions and rules of construction set forth in this section apply to the provisions of this title.

(b) The term "Board" refers to the Board of Governors of the Federal Reserve System.

(c) The term "organization" means a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

(d) The term "person" means a natural person or an organization.

(e) The term "credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(f) The term "creditor" refers to any person who extends, or arranges for the extension of, credit, whether in connection with a loan, a sale of property or services, or otherwise.

(g) The term "credit sale" refers to any sale with respect to which credit is extended or arranged by the seller. The term includes any rental-purchase contract and any contract or arrangement for the bail-ing or leasing of property when used as a financing device.

(h) The terms "extension of credit" and "credit transaction" include loans, credit sales, the supplying of funds through the underwriting, distribution, or acquisition of securities, the making or assisting in the making of a direct placement, or otherwise participating in the offering, distribution, or acquisition of securities.

(i) The term "borrower" includes any person to whom credit is extended.

(j) The term "loan" includes any type of credit, including credit extended in connection with a credit sale.

(k) The term "State" refers to any State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States.

(l) Any reference to any requirement imposed under this title of any provision thereof includes reference to the regulations of the Board under this title or the provision thereof in question.

Sec. 203. Regulations

The Board shall prescribe regulations to carry out the purposes of this title. These regulations may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Board are necessary or proper to effectuate the purposes of this title, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

Sec. 204. Determination of interest charge

Except as otherwise provided by the Board, the amount of the interest charge in connection with any credit transaction shall be determined under the regulations of the Board as the sum of all charges payable directly or indirectly to the person by whom the credit is extended in consideration of the extension of credit.

Sec. 205. Authority for institution of credit controls

(a) Whenever the President determines that such action is necessary or appropriate for the purpose of preventing or controlling inflation generated by the extension of credit in an excessive volume, the President may authorize the Board to regulate and control any or all extensions of credit.

(b) The Board may, in administering this Act, utilize the services of the Federal Reserve banks and any other agencies, Federal or State, which are available and appropriate.

Sec. 206. Extent of control

The Board, upon being authorized by the President under section 205 and for such period of time as he may determine, may by regulation

(1) require transactions or persons or classes of either to be registered or licensed.

(2) prescribe appropriate limitations, terms, and conditions for any such registration or license.

(3) provide for suspension of any such registration or license for violation of any provision thereof or of any regulation, rule, or order prescribed under this Act.

(4) prescribe appropriate requirements as to the keeping of records and as to the form, contents, or substantive provisions of contracts, liens, or any relevant documents.

(5) prohibit solicitations by creditors which would encourage evasion or avoidance of the requirements of any regulation, license, or registration under this Act.

(6) prescribe the maximum amount of credit which may be extended on, or in connection with, any loan, purchase, or other extension of credit.

(7) prescribe the maximum rate of interest, maximum maturity, minimum periodic payment, maximum period between payments, and any other specification or limitation of the terms and conditions of any extension of credit.

(8) prescribe the methods of determining purchase prices or market values or other bases for computing permissible extensions of credit or required downpayment.

(9) prescribe special or different terms, conditions, or exemptions with respect to new or used goods, minimum original cash payments, temporary credits which are merely incidental to cash purchases, payment or deposits usable to liquidate credits, and other adjustments or special situations.

- (10) prescribe maximum ratios, applicable to any class of either creditors or borrowers or both, of loans of one or more types or of all types
 - (A) to deposits of one or more types or of all types.
 - (B) to assets of one or more types or of all types.
- (11) prohibit or limit any extensions of credit under any circumstances the Board deems appropriate.

Sec. 207. Reports

Reports concerning the kinds, amounts, and characteristics of any extensions of credit subject to this title, or concerning circumstances related to such extensions of credit, shall be filed on such forms, under oath or otherwise, at such times and from time to time, and by such persons, as the Board may prescribe by regulation or order as necessary or appropriate for enabling the Board to perform its functions under this title. The Board may require any person to furnish, under oath or otherwise, complete information relative to any transaction within the scope of this title including the production of any books of account, contracts, letters, or other papers, in connection therewith in the custody or control of such person.

Sec. 208. Injunctions

Whenever it appears to the Board that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation under this title, it may in its discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the Board, any such court may also issue mandatory injunctions commanding any person to comply with any regulation of the Board under this title.

Sec. 209. Civil penalties

(a) For each willful violation of any regulation under this title, the Board may assess upon any person to which the regulation applies, and upon any partner, director, officer, or employee thereof who willfully participates in the violation, a civil penalty not exceeding \$1,000.

(b) In the event of the failure of any person to pay any penalty assessed under this section, a civil action for the recovery thereof may, in the discretion of the Board, be brought in the name of the United States.

Sec. 210. Criminal penalty

Whoever willfully violates any regulation under this title shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

TITLE III—SMALL BUSINESS ADMINISTRATION ACTIVITY

SEC. 301. The Small Business Administration shall promptly increase the level of its financing functions utilizing the business loan and investment fund established under section 4(c)(1)(B) of the Small Business Act (15 U.S.C. 633(c)(1)(B)) by \$70,000,000 above the level prevailing at the time of enactment of this Act. The Small Business Administration shall submit to Congress a monthly report of its implementation of this section.

Approved December 23, 1969.

Public Law 91-152

AN ACT

To amend and extend laws relating to housing and urban development, and for other purposes.

December 24, 1969
[S. 2864]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing and Urban Development Act of 1969".

Housing and
Urban Development
Act of 1969.
80 Stat. 738.
12 USC 1720.

SEC. 2. Section 305(g) of the National Housing Act is amended—

(1) by striking out "\$1,000,000,000" and inserting in lieu thereof "\$2,500,000,000";

(2) by inserting "at par" immediately after "and to purchase"; and

(3) by striking out "\$15,000", "\$17,500", and "\$22,500" and inserting in lieu thereof "\$17,500", "\$20,000", and "\$25,000", respectively.

TITLE I—MORTGAGE CREDIT

EXTENSION OF PROGRAMS

SEC. 101. (a) Section 2(a) of the National Housing Act is amended by striking out "January 1, 1970" in the first sentence and inserting in lieu thereof "October 1, 1970".

53 Stat. 804;
Ante, p. 125.
12 USC 1703.

(b) Section 217 of such Act is amended—

(1) by striking out "title VIII, or title X" and inserting in lieu thereof "section 235, section 236, title VIII, title X, or title XI"; and

75 Stat. 177;
Ante, p. 125.
12 USC 1715h.

(2) by striking out "January 1, 1970" and inserting in lieu thereof "October 1, 1970".

(c) Section 221(f) of such Act is amended by striking out "January 1, 1970" in the fifth sentence and inserting in lieu thereof "October 1, 1970".

75 Stat. 152;
Ante, p. 125.
12 USC 1715l.

(d) Section 235 of such Act is amended by adding at the end thereof the following new subsection:

82 Stat. 477.
12 USC 1715z.

"(m) No mortgage shall be insured under this section after October 1, 1971, except pursuant to a commitment to insure before that date."

82 Stat. 498.
12 USC 1715z-1.

(e) Section 236 of such Act is amended by adding at the end thereof the following new subsection:

"(n) No mortgage shall be insured under this section after October 1, 1971, except pursuant to a commitment to insure before that date."

76 Stat. 418;
Ante, p. 125.
12 USC 1748h-1.

(f) Section 809(f) of such Act is amended by striking out "January 1, 1970" in the second sentence and inserting in lieu thereof "October 1, 1970".

76 Stat. 418;
Ante, p. 125.
12 USC 1748h-2.

(g) Section 810(k) of such Act is amended by striking out "January 1, 1970" in the second sentence and inserting in lieu thereof "October 1, 1970".

79 Stat. 462;
Ante, p. 125.
12 USC 1749bb.

(h) Section 1002(a) of such Act is amended by striking out "January 1, 1970" in the second sentence and inserting in lieu thereof "October 1, 1970".

80 Stat. 1274;
Ante, p. 125.
12 USC 1749aaa.

(i) Section 1101(a) of such Act is amended by striking out "January 1, 1970" in the second sentence and inserting in lieu thereof "October 1, 1970".

LOWER DOWNPAYMENTS FOR FHA-FINANCED SALES HOUSING

SEC. 102. (a) Section 203(b)(2) of the National Housing Act is amended by striking out "\$20,000" each place it appears and inserting in lieu thereof "\$25,000".

71 Stat. 294;
79 Stat. 466.
12 USC 1709.

71 Stat. 296;
80 Stat. 1267.
12 USC 1715k.

79 Stat. 470.
12 USC 1715m.

78 Stat. 780.
12 USC 1715y.

(b) Section 220(d)(3)(A)(i) of such Act is amended by striking out "\$20,000" each place it appears and inserting in lieu thereof "\$25,000".

(c) Section 222(b)(3) of such Act is amended by striking out "\$20,000" each place it appears and inserting in lieu thereof "\$25,000".

(d) Section 234(c) of such Act is amended by striking out "\$20,000" each place it appears and inserting in lieu thereof "\$25,000".

MOBILE HOMES

69 Stat. 635.
12 USC 1713.

SEC. 103. (a) (1) Section 207(a) of the National Housing Act is amended—

(A) by striking out "trailer coach mobile dwellings" in paragraph (1) and inserting in lieu thereof "mobile homes";

(B) by striking out "trailer court or park" in paragraph (6) and inserting in lieu thereof "mobile home court or park"; and

(C) by striking out "trailer coach mobile dwellings" in paragraph (6) and inserting in lieu thereof "mobile homes".

(2) Section 207(c)(3) of such Act is amended by striking out "trailer courts or parks" and inserting in lieu thereof "mobile home courts or parks".

(b) Section 207(c)(3) of such Act is amended by striking out "\$1,800 per space or \$500,000 per mortgage" and inserting in lieu thereof "\$2,500 per space or \$1,000,000 per mortgage".

(c) Section 2 of such Act is amended—

(1) by inserting "(i)" after the words "for the purpose of" in the first sentence of subsection (a);

(2) by inserting ";" and for the purpose of (ii) financing the purchase of a mobile home to be used by the owner as his principal residence" before the period at the end of the first sentence of subsection (a);

(3) by inserting "(other than mobile homes)" after "new residential structures" in clause (1) of subparagraph (iii) of the second paragraph of subsection (a);

(4) by inserting the following new sentence at the end of subsection (a): "The Secretary is hereby authorized and directed, with respect to mobile homes to be financed under this section, to (i) prescribe minimum property standards to assure the livability and durability of the mobile home and the suitability of the site on which the mobile home is to be located; and (ii) obtain assurances from the borrower that the mobile home will be placed on a site which complies with the standards prescribed by the Secretary and with local zoning and other applicable local requirements.";

(5) by inserting ", except that an obligation financing the purchase of a mobile home may be in an amount not exceeding \$10,000" before the semicolon at the end of clause (1) in the first sentence of subsection (b);

(6) by inserting ": *Provided*, That an obligation financing the purchase of a mobile home may have a maturity not in excess of twelve years and thirty-two days" before the semicolon at the end of clause (2) in the first sentence of subsection (b); and

(7) by striking out "real property" each place it appears in subsection (c)(2) and inserting in lieu thereof "real or personal property".

78 Stat. 774.

53 Stat. 804.
12 USC 1703.

68 Stat. 590.

56 Stat. 305.

55 Stat. 364.

**MAXIMUM MORTGAGE AMOUNT UNDER SECTION 220 MULTIFAMILY
HOUSING PROGRAM**

SEC. 104. Section 220(d)(3)(B)(i) of the National Housing Act is amended to read as follows:

“(i) not exceed \$50,000,000;”.

68 Stat. 598;
78 Stat. 777.
12 USC 1715k.

MORTGAGE INSURANCE ON CONDOMINIUM UNITS FOR SERVICEMEN

SEC. 105. Section 222(b)(1) of the National Housing Act is amended by inserting “or 234(c),” immediately after “221(d)(2),”.

71 Stat. 296;
78 Stat. 779.
12 USC 1715m.

**ASSISTANCE PAYMENTS UNDER SECTION 235 FOR PURCHASER ASSUMING
MORTGAGE**

SEC. 106. (a) Section 235(c) of the National Housing Act is amended by striking out “subsection (j)(4)” and inserting in lieu thereof “subsection (i) or (j)(4)”.

82 Stat. 477.
12 USC 1715z.

(b) Section 235(b)(2) of such Act is amended by striking out the first proviso and inserting in lieu thereof the following: “*Provided*, That if any cooperative member who has received assistance payments transfers his membership and occupancy rights to another person who satisfies the eligibility requirements prescribed by the Secretary and undertakes the obligation to pay occupancy charges, the new cooperative member may qualify for assistance payments upon the filing of an application with respect to the dwelling unit involved to be occupied by him”.

AUTHORIZATION FOR ASSISTANCE PAYMENTS UNDER SECTIONS 235 AND 236

SEC. 107. (a) The second sentence of section 235(h) of the National Housing Act is amended by striking out “\$100,000,000 on July 1, 1969, and by \$125,000,000 on July 1, 1970” and inserting in lieu thereof “\$125,000,000 on July 1, 1969, by \$125,000,000 on July 1, 1970, and by \$170,000,000 on July 1, 1971”.

82 Stat. 498.
12 USC 1715z-1.

(b) The second sentence of section 236(i)(1) of such Act is amended by striking out “\$100,000,000 on July 1, 1969, and by \$125,000,000 on July 1, 1970” and inserting in lieu thereof “\$125,000,000 on July 1, 1969, by \$125,000,000 on July 1, 1970, and by \$170,000,000 on July 1, 1971”.

**INTEREST REDUCTION PAYMENTS UNDER SECTION 236 ON CERTAIN PROJECTS
FINANCED UNDER STATE OR LOCAL HOUSING PROGRAMS**

SEC. 108. The proviso in section 236(b) of the National Housing Act is amended by striking out “with respect to a rental or cooperative housing project” and inserting in lieu thereof “with respect to a mortgage or part thereof on a rental or cooperative housing project”.

**ASSISTANCE PAYMENTS WITH RESPECT TO EXISTING DWELLINGS
UNDER SECTION 235**

SEC. 109. Section 235(h)(3) of the National Housing Act is amended—

(1) by inserting “and” at the end of subparagraph (A); and
(2) by striking out subparagraphs (B) and (C) and inserting in lieu thereof the following:

“(B) 30 per centum of the total additional amount of contracts for assistance payments authorized by appropriation Acts to be made prior to July 1, 1971.”

PREFERENCES IN SECTION 237 MORTGAGE INSURANCE PROGRAM

82 Stat. 485.
12 USC 1715z-2.

SEC. 110. Section 237(d) of the National Housing Act is amended—
 (1) by inserting “and in providing counseling services” after
 “applications”; and
 (2) by inserting “(1) to families which are eligible for assist-
 ance payments under section 235, and (2)” after “this section”.

EXPANSION OF THE FHA NURSING HOME PROGRAM TO INCLUDE
INTERMEDIATE CARE FACILITIES

73 Stat. 663.
12 USC 1715w.

Sec. 111. Section 232 of the National Housing Act is amended—
 (1) by striking out subsection (a) and inserting in lieu thereof
 the following:

“(a) The purpose of this section is to assist in the provision of
 facilities for either of the following purposes or for a combination of
 such purposes:

“(1) The development of nursing homes for the care and treat-
 ment of convalescents and other persons who are not acutely ill
 and do not need hospital care but who require skilled nursing care
 and related medical services.

“(2) The development of intermediate care facilities for the care
 of persons who, while not in need of nursing home care and treat-
 ment, nevertheless are unable to live fully independently and who
 are in need of minimum but continuous care provided by licensed
 or trained personnel.”;

(2) by striking out “and” at the end of paragraph (1) of sub-
 section (b);

(3) by redesignating paragraph (2) of subsection (b) as para-
 graph (3) and inserting after paragraph (1) of such subsection
 the following new paragraph:

“(2) the term ‘intermediate care facility’ means a proprietary
 facility or facility of a private nonprofit corporation or associa-
 tion licensed or regulated by the State (or, if there is no State law
 providing for such licensing and regulation by the State, by the
 municipality or other political subdivision in which the facility is
 located) for the accommodation of persons who, because of
 incapacitating infirmities, require minimum but continuous care
 but are not in need of continuous medical or nursing services;
 and”;

(4) by striking out “a new or rehabilitated nursing home” in the
 introductory text of subsection (d) and inserting in lieu thereof “a
 new or rehabilitated nursing home or intermediate care facility or
 combined nursing home and intermediate care facility”;

(5) by striking out “operation of the nursing home” in sub-
 section (d)(2) and inserting in lieu thereof “operation of the
 home or facility or combined home and facility”;

(6) by striking out paragraph (4) of subsection (d) and insert-
 ing in lieu thereof the following:

“(4) The Secretary shall not insure any mortgage under this
 section unless he has received, from the State agency designated
 in accordance with section 604(a)(1) of the Public Health Serv-
 ice Act for the State in which is located the nursing home or
 intermediate care facility or combined nursing home and inter-
 mediate care facility covered by the mortgage, a certification that
 (A) there is a need for such home or facility or combined home
 and facility, and (B) there are in force in such State or in the
 municipality or other political subdivision of the State in which

82 Stat. 511.

“Intermediate
care facility.”

82 Stat. 512.

73 Stat. 663.

78 Stat. 452.
42 USC 291d.

the proposed home or facility or combined home and facility is to be located reasonable minimum standards of licensure and methods of operation governing it. No such mortgage shall be insured under this section unless the Secretary has received such assurance as he may deem satisfactory from the State agency that such standards will be applied and enforced with respect to any home or facility or combined home and facility located in the State for which mortgage insurance is provided under this section.”; and

(7) by adding at the end thereof the following new subsections:

“(g) The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section relating to intermediate care facilities, after consulting with the Secretary of Health, Education, and Welfare with respect to any health or medical aspects of the program which may be involved in such regulations.

“(h) The Secretary shall also consult with the Secretary of Health, Education, and Welfare as to the need for and the availability of intermediate care facilities in any area for which an intermediate care facility is proposed under this section.”

73 Stat. 663.
12 USC 1715w.

RENT SUPPLEMENT UNITS IN SECTION 236 PROJECTS

SEC. 112. Section 101(j)(1)(D) of the Housing and Urban Development Act of 1965 is amended by inserting before the period at the end thereof a comma and the following: “except that the foregoing limitation may be increased to 40 per centum of the dwelling units in any such property if the Secretary determines that such increase is necessary and desirable in order to provide additional housing for individuals and families meeting the requirements of subsection (c)”.

82 Stat. 502.
12 USC 1701s.

INCREASE IN MAXIMUM MORTGAGE AMOUNTS UNDER FHA INSURANCE PROGRAMS

SEC. 113. (a) (1) Section 203(b)(2) of the National Housing Act is amended by striking out “\$30,000”, “\$32,500”, and “\$37,500” wherever they appear and inserting in lieu thereof “\$33,000”, “\$35,750”, and “\$41,250”, respectively.

71 Stat. 295;
78 Stat. 769.
12 USC 1709.

(2) Section 203(h) of such Act is amended by striking out “\$12,000” and inserting in lieu thereof “\$14,400”.

70 Stat. 1092.

(3) Section 203(i) of such Act is amended by striking out “\$13,500” and inserting in lieu thereof “\$16,200”.

82 Stat. 512.

(4) Section 203(m) of such Act is amended by striking out “\$15,000” and inserting in lieu thereof “\$18,000”.

82 Stat. 512.

(b) (1) Section 207(c)(3) of such Act is amended by striking out “\$9,000”, “\$12,500”, “\$15,000”, “\$18,500”, and “\$21,000” wherever they appear and inserting in lieu thereof “\$9,900”, “\$13,750”, “\$16,500”, “\$20,350”, and “\$23,100”, respectively.

78 Stat. 774;
79 Stat. 467.
12 USC 1713.

(2) Section 207(c)(3) of such Act is further amended by striking out “\$10,500”, “\$18,000”, “\$22,500”, and “\$25,500” and inserting in lieu thereof “\$11,550”, “\$19,800”, “\$24,750”, and “\$28,050”, respectively.

(c) (1) Section 213(b)(2) of such Act is amended by striking out “\$9,000”, “\$12,500”, “\$15,000”, “\$18,500”, and “\$21,000” wherever they appear and inserting in lieu thereof “\$9,900”, “\$13,750”, “\$16,500”, “\$20,350”, and “\$23,100”, respectively.

78 Stat. 774;
79 Stat. 467.
12 USC 1715e.

(2) Section 213(b)(2) of such Act is further amended by striking out “\$10,500”, “\$18,000”, “\$22,500”, and “\$25,500” and inserting in lieu thereof “\$11,550”, “\$19,800”, “\$24,750”, and “\$28,050”, respectively.

71 Stat. 296;
78 Stat. 777.
12 USC 1715k.

78 Stat. 775;
79 Stat. 467.

75 Stat. 155;
79 Stat. 470.

75 Stat. 149;
80 Stat. 1268;
82 Stat. 483.
12 USC 1715l.

75 Stat. 149.

78 Stat. 775;
79 Stat. 467.

78 Stat. 775;
79 Stat. 467.

82 Stat. 483.

79 Stat. 470.
12 USC 1715m.

78 Stat. 776;
79 Stat. 467.
12 USC 1715v.

78 Stat. 780.
12 USC 1715y.

78 Stat. 781;
79 Stat. 468.

(d) (1) Section 220(d)(3)(A)(i) of such Act is amended by striking out "\$30,000", "\$32,500", "\$37,500", and "\$7,000" wherever they appear and inserting in lieu thereof "\$33,000", "\$35,750", "\$41,250", and "\$7,700", respectively.

(2) Section 220(d)(3)(B)(iii) of such Act is amended by striking out "\$9,000", "\$12,500", "\$15,000", "\$18,500" and "\$21,000" wherever they appear and inserting in lieu thereof "\$9,900", "\$13,750", "\$16,500", "\$20,350", and "\$23,100", respectively.

(3) Section 220(d)(3)(B)(iii) of such Act is further amended by striking out "\$10,500", "\$18,000", "\$22,500", and "\$25,500" wherever they appear and inserting in lieu thereof "\$11,550", "\$19,800", "\$24,750", and "\$28,050", respectively.

(4) Section 220(h)(2) of such Act is amended by striking out "\$10,000" and inserting in lieu thereof "\$12,000".

(e) (1) Section 221(d)(2) of such Act is amended by striking out "\$15,000", "\$17,500", "\$20,000", "\$27,000", and "\$33,000" wherever they appear and inserting in lieu thereof "\$18,000", "\$21,000", "\$24,000", "\$32,400", and "\$39,600", respectively.

(2) Section 221(d)(2) of such Act is further amended by striking out "\$25,000", "\$32,000", and "\$38,000" and inserting in lieu thereof "\$30,000", "\$38,400", and "\$45,600", respectively.

(3) Section 221(d)(3)(ii) of such Act is amended by striking out "\$8,000", "\$11,250", "\$13,500", "\$17,000", and "\$19,250" wherever they appear and inserting in lieu thereof "\$9,200", "\$12,937.50", "\$15,525", "\$19,550", and "\$22,137.50", respectively.

(4) Section 221(d)(3)(ii) of such Act is further amended by striking out "\$9,500", "\$16,000", "\$20,000", and "\$22,750" and inserting in lieu thereof "\$10,925", "\$18,400", "\$23,000", and "\$26,162.50", respectively.

(5) Section 221(d)(4)(ii) of such Act is amended by striking out "\$8,000", "\$11,250", "\$13,500", "\$17,000", and "\$19,250" wherever they appear and inserting in lieu thereof "\$9,200", "\$12,937.50", "\$15,525", "\$19,550", and "\$22,137.50", respectively.

(6) Section 221(d)(4)(ii) of such Act is further amended by striking out "\$9,500", "\$16,000", "\$20,000", and "\$22,750" and inserting in lieu thereof "\$10,925", "\$18,400", "\$23,000", and "\$26,162.50", respectively.

(7) Section 221(h)(6)(A) of such Act is amended by striking out "\$15,000" and inserting in lieu thereof "\$18,000".

(f) Section 222(b)(2) of such Act is amended by striking out "\$30,000" and inserting in lieu thereof "\$33,000".

(g) (1) Section 231(c)(2) of such Act is amended by striking out "\$8,000", "\$11,250", "\$13,500", "\$17,000", and "\$19,250" wherever they appear and inserting in lieu thereof "\$8,800", "\$12,375", "\$14,850", "\$18,700", "\$21,175", respectively.

(2) Section 231(c)(2) of such Act is further amended by striking out "\$9,500", "\$16,000", "\$20,000", and "\$22,750" and inserting in lieu thereof "\$10,450", "\$17,600", "\$22,000", and "\$25,025", respectively.

(h) (1) Section 234(c) of such Act is amended by striking out "\$30,000" and inserting in lieu thereof "\$33,000".

(2) Section 234(e)(3) of such Act is amended by striking out "\$9,000", "\$12,500", "\$15,000", "\$18,500", and "\$21,000" wherever they appear and inserting in lieu thereof "\$9,900", "\$13,750", "\$16,500", "\$20,350", and "\$23,100", respectively.

(3) Section 234(e)(3) of such Act is further amended by striking out "\$10,500", "\$18,000", "\$22,500", and "\$25,500" and inserting in lieu thereof "\$11,550", "\$19,800", "\$24,750", and "\$28,050", respectively.

(i) Section 235 of such Act is amended by striking out "\$15,000", "\$17,500", and "\$20,000" wherever they appear and inserting in lieu thereof "\$18,000", "\$21,000", and "\$24,000", respectively.

(j) Section 237(c)(2) of such Act is amended by striking out "\$15,000" and "\$17,500" and inserting in lieu thereof "\$18,000" and "\$21,000", respectively.

INCREASE IN GNMA PURCHASE AUTHORITY

SEC. 114. Section 302(b) of the National Housing Act is amended—

(1) by striking out "exceeds or exceeded \$17,500" in clause (3) of the proviso in the first sentence and inserting in lieu thereof "exceeds or exceeded \$22,000";

(2) by striking out "that exceeds \$17,500" in the second sentence and inserting in lieu thereof "that exceeds the otherwise applicable maximum amount"; and

(3) by striking out "did not exceed \$17,500" in the second sentence and inserting in lieu thereof "did not exceed the otherwise applicable maximum amount".

82 Stat. 477.
12 USC 1715z.

82 Stat. 485.
12 USC 1715z-2.

73 Stat. 669.
12 USC 1717.

79 Stat. 494.

GNMA SPECIAL ASSISTANCE PURCHASES

SEC. 115. Section 305 of the National Housing Act is amended by adding at the end thereof the following new subsection:

68 Stat. 616;
80 Stat. 1285.
12 USC 1720.

"(j) Notwithstanding any other provision of this Act, the Association is authorized to purchase pursuant to commitments or otherwise mortgages otherwise eligible for purchase under this section at a price equal to the unpaid principal amount thereof at the time of purchase, with adjustments for interest and any comparable items, and to sell such mortgages at any time at a price within the range of market prices for the particular class of mortgages involved at the time of sale as determined by the Association. Mortgages insured under title V of the Housing Act of 1949, except mortgages for above moderate income families insured under section 517(a) of such Act, are eligible for purchase under this section."

63 Stat. 432;
79 Stat. 498.
42 USC 1471-
1490c.

TITLE II—URBAN RENEWAL AND HOUSING ASSISTANCE PROGRAMS

URBAN RENEWAL GRANT AUTHORITY

SEC. 201. Section 103(b) of the Housing Act of 1949 is amended—

63 Stat. 416;
82 Stat. 521.
42 USC 1453.

(1) by inserting before the period at the end of the first sentence the following: ", and by \$1,700,000,000 on July 1, 1970"; and

(2) by inserting after the first sentence the following new sentence: "Not less than 35 per centum of the amounts available to the Secretary for grants under this title during each of the fiscal years beginning July 1, 1969, and July 1, 1970, shall be for grants under part B."

82 Stat. 518.
42 USC 1469-
1469c.

EXTENSION OF URBAN RENEWAL ASSISTANCE TO THE TRUST TERRITORY OF THE PACIFIC ISLANDS AND TO INDIAN TRIBES

SEC. 202. (a) Section 110(h) of the Housing Act of 1949 is amended by striking out the second sentence and inserting in lieu thereof the following: "The term 'State' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory

68 Stat. 626.
42 USC 1460.

of the Pacific Islands, the territories and possessions of the United States, and Indian tribes, bands, groups, and nations, including Alaska Indians, Aleuts, and Eskimos, of the United States."

(b) The first sentence of section 116 of such Act is amended by striking out "and counties" and inserting in lieu thereof "counties, and Indian tribes, bands, groups, and nations, including Alaska Indians, Aleuts, and Eskimos, of the United States".

(c) The first sentence of section 117 of such Act is amended by striking out "and counties" and inserting in lieu thereof "counties, and Indian tribes, bands, groups, and nations, including Alaska Indians, Aleuts, and Eskimos, of the United States".

(d) The first sentence of section 118 of such Act is amended by striking out "and counties" and inserting in lieu thereof "counties, and Indian tribes, bands, groups, and nations, including Alaska Indians, Aleuts, and Eskimos, of the United States".

EXTENSION OF PERIOD OF ELIGIBILITY OF LOCAL GRANTS-IN-AID FOR CERTAIN URBAN RENEWAL AND NEIGHBORHOOD DEVELOPMENT PROJECTS

SEC. 203. (a) The second paragraph of section 110(d) of the Housing Act of 1949 is amended—

(1) by inserting "(except the second sentence of this paragraph)" after "any other provision of this subsection"; and

(2) by adding at the end thereof the following new sentence: "In connection with any project for which an application is filed not later than the date of the enactment of the Housing and Urban Development Act of 1969 and which has not received Federal recognition (other than a project to which clause (2) of the second sentence of section 133(a) applies), the three-year period referred to above shall be extended to a period of four years prior to the authorization by the Secretary of a contract for loan or capital grant for the project."

(b) Section 112(b) of such Act is amended—

(1) by striking out "No expenditure" and inserting in lieu thereof "Subject to the second sentence of this subsection, no expenditure"; and

(2) by adding at the end thereof the following new sentence: "In connection with any project for which an application is filed not later than the date of the enactment of the Housing and Urban Development Act of 1969 and which has not received Federal recognition (other than a project to which clause (2) of the second sentence of section 133(a) applies), the seven-year period referred to in clause (1) of the preceding sentence shall be extended to a period of eight years prior to the authorization by the Secretary of a contract for a loan or capital grant for the project."

(c) Section 133(a) of such Act is amended—

(1) by striking out "For" and inserting in lieu thereof "Except as otherwise provided in this subsection, for";

(2) by striking out "the second paragraph" and inserting in lieu thereof "the first sentence of the second paragraph"; and

(3) by adding at the end thereof the following new sentence: "In connection with any neighborhood development program for which an application is filed not later than the date of the enactment of the Housing and Urban Development Act of 1969 and for which no contract for financial assistance under the program has been authorized by the Secretary, the three-year and seven-year periods referred to above shall be extended to periods of four and eight years, respectively, prior to authorization of (1) the

79 Stat. 477.
42 USC 1467.

42 USC 1468.

82 Stat. 525.
42 USC 1468a.

73 Stat. 675.
42 USC 1460.

82 Stat. 519.
42 USC 1469b.

75 Stat. 169.
42 USC 1463.

82 Stat. 519.
42 USC 1469b.

first contract for financial assistance under the program which includes the urban renewal area benefited by the public improvement or facility (or the expenditures) for which credit is claimed, or (2) a contract for a loan or capital grant for an urban renewal project authorized after the date of the enactment of the Housing and Urban Development Act of 1969 in an area which is benefited by the public improvement or facility (or the expenditures) for which credit is claimed and which was included in the neighborhood development program application."

INCLUSION OF ENCLOSED PEDESTRIAN MALLS AS ELIGIBLE URBAN RENEWAL ACTIVITIES

SEC. 204. (a) Section 110(c)(3) of the Housing Act of 1949 is amended by inserting after "playgrounds," the following: "pedestrian malls and walkways (including in the case of an enclosed mall or walkway any necessary roofs, walls, columns, lighting, and climate control facilities),".

(b) The first sentence of the second unnumbered paragraph following paragraph (10) of section 110(c) of such Act is amended by inserting after "provided" the following: "in paragraph (3) with respect to enclosed pedestrian malls and walkways and as provided".

^{70 Stat. 1098.}
^{42 USC 1460.}

^{70 Stat. 1098;}
^{82 Stat. 610.}
^{42 USC 1460.}

REHABILITATION GRANTS

SEC. 205. Section 115(c) of the Housing Act of 1949 is amended by striking out "or (2) \$3,000" and inserting in lieu thereof "or (2) \$3,500".

^{79 Stat. 457;}
^{82 Stat. 521.}
^{42 USC 1466.}

LOCAL GRANTS-IN-AID CREDIT FOR CERTAIN FACILITIES BUILT ON BEHALF OF PUBLIC UNIVERSITIES

SEC. 206. Clause (A)(ii) of the second proviso in section 110(d) of the Housing Act of 1949 is amended by striking out "by a public university" and inserting in lieu thereof "by or on behalf of a public university".

^{80 Stat. 1280.}
^{42 USC 1460.}

INCOME LIMITATION UNDER REHABILITATION LOAN PROGRAM

SEC. 207. Section 312(a) of the Housing Act of 1964 is amended by striking out the last sentence and inserting in lieu thereof the following: "In making loans with respect to residential property under this section, priority shall be given to applications made by persons whose annual income, as determined pursuant to criteria and procedures established by the Secretary, is within the limitations prescribed by the Secretary for occupants of projects financed with below-market interest rate mortgages insured (in the area involved) under section 221(d)(3) of the National Housing Act."

^{82 Stat. 523.}
^{42 USC 1452b.}

^{75 Stat. 150;}
Ante, p. 384.
^{12 USC 1715l.}

SUPPLEMENTAL GRANTS TO ENCOURAGE URBAN RENEWAL LOANS FROM PRIVATE SOURCES

SEC. 208. The proviso in the first paragraph of section 102(c) of the Housing Act of 1949 is amended—

- (1) by striking out "if";
- (2) by striking out "the interest rate on such a loan from a source other than the Federal Government is greater than the rate

^{82 Stat. 522.}
^{42 USC 1452.}

at which funds could be made available under the Federal loan contract;" ;

(3) by striking out "from such sources" and inserting in lieu thereof "from a source other than the Federal Government"; and

(4) by inserting "or a supplemental grant in an amount which he determines is necessary to enable a local public agency to obtain funds from a source other than the Federal Government" immediately after "contract rate".

REVIEW OF RELOCATION PLANS UNDER URBAN RENEWAL PROGRAM

<sup>79 Stat. 475.
42 USC 1455.</sup>

SEC. 209. Section 105(c) of the Housing Act of 1949 is amended by adding at the end thereof the following new paragraph:

"(3) Within one year after the date of the enactment of this paragraph, and every two years thereafter, the Secretary shall review each locality's relocation plan under this subsection and its effectiveness in carrying out such plan."

REPLACEMENT OF HOUSING UNITS WHERE PROJECT INVOLVES DEMOLITION OR REMOVAL OF RESIDENTIAL STRUCTURES

<sup>53 Stat. 416;
80 Stat. 1281.
42 USC 1455.</sup>

SEC. 210. Section 105 of the Housing Act of 1949 is amended by adding at the end thereof the following new subsection:

"(h) If any urban renewal project which receives Federal recognition after the date of the enactment of this subsection includes the demolition or removal of any residential structure or structures (whether or not it is a project taken into account for purposes of applying subsection (f)), there shall be provided in the area within which the local public agency has jurisdiction (by construction or rehabilitation) standard housing units for occupancy by low and moderate income families (including but not limited to units provided under Federal- or State-assisted housing programs and including units of low-rent housing in private accommodations assisted under section 23 of the United States Housing Act of 1937) at least equal in number to the number of units occupied by such families prior to the demolition or removal of such structure or structures: *Provided*, That the Secretary shall have authority where he deems it appropriate to take into account suitable housing outside such area for purposes of meeting the requirement of this subsection. If the Secretary finds that the percentage of vacancies for all existing housing units in the area within which the local public agency has jurisdiction is 5 per centum or greater, he may waive the requirements of this subsection to the extent that he determines there are existing standard housing units in such area which will be available for occupancy by low and moderate income families who are being displaced by the urban renewal project."

LOANS FOR PUBLIC HOUSING PROJECTS

<sup>50 Stat. 891.
42 USC 1409.</sup>

SEC. 211. Section 9 of the United States Housing Act of 1937 is amended by striking out the third sentence.

PUBLIC HOUSING ANNUAL CONTRIBUTIONS

SEC. 212. (a) The proviso in section 10(b) of the United States Housing Act of 1937 is amended by inserting after "any contract" the following: " , although not limited to debt service requirements," .

(b) The first sentence of section 10(e) of such Act is amended by

<sup>50 Stat. 892;
63 Stat. 425.
42 USC 1410.
82 Stat. 503.</sup>

striking out “\$150,000,000 on July 1 in each of the years 1969 and 1970” and inserting in lieu thereof “\$225,000,000 on July 1, 1969, and \$170,000,000 on July 1, 1970”.

REDUCED RENTALS FOR VERY LOW INCOME TENANTS OF PUBLIC HOUSING PROJECTS

SEC. 213. (a) The second paragraph of section 2(1) of the United States Housing Act of 1937 is amended by inserting after “rents” the following: “(which may not exceed one-fourth of the family’s income, as defined by the Secretary)”.

73 Stat. 680;
79 Stat. 457.
42 USC 1402.

(b) The requirement in section 2(1) of the United States Housing Act of 1937 that the rents fixed by public housing agencies may not exceed one-fourth of a low-rent housing tenant’s income shall be effective not later than ninety days following the date of the enactment of this Act. The requirement shall not apply in any case in which the Secretary of Housing and Urban Development determines that limiting the rent of any tenant or class of tenants, as provided by such section 2(1), will result in a reduction in the amount of welfare assistance which would otherwise be provided to such tenant or class of tenants by a public agency.

(c) The second sentence of section 14 of the United States Housing Act of 1937 is amended by inserting after “Government,” the following: “or is necessary to insure the low-rent character of the project involved.”

63 Stat. 426.
42 USC 1414.

NOTIFICATIONS TO APPLICANTS FOR ADMISSION TO PUBLIC HOUSING PROJECTS

SEC. 214. Section 10(g) of the United States Housing Act of 1937 is amended—

75 Stat. 164.
42 USC 1410.

(1) by striking out “and” at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof “; and”; and

(3) by adding after paragraph (3) a new paragraph as follows:

“(4) the public housing agency shall promptly notify (i) any applicant determined to be ineligible for admission to the project of the basis for such determination and provide the applicant upon request, within a reasonable time after the determination is made, with an opportunity for an informal hearing on such determination, and (ii) any applicant determined to be eligible for admission to the project of the approximate date of occupancy insofar as such date can be reasonably determined.”

ROOM COST LIMITATIONS FOR PUBLIC HOUSING PROJECTS

SEC. 215. The first sentence of section 15(5) of the United States Housing Act of 1937 is amended—

79 Stat. 487.
42 USC 1415.

(1) by striking out “\$2,400 per room (\$3,500 per room” and inserting in lieu thereof “\$2,800 per room (\$3,900 per room”;

(2) by striking out “\$3,500 per room and \$4,000 per room” and inserting in lieu thereof “\$4,000 per room and \$4,500 per room”; and

(3) by striking out “\$750 per room” and inserting in lieu thereof “\$1,500 per room in the case of accommodations designed specifically for elderly families, or \$1,400 per room in any other case.”

MANAGEMENT AND SERVICES IN PUBLIC HOUSING PROJECTS

82 Stat. 503.
42 USC 1415.

SEC. 216. The last sentence of section 15(10) of the United States Housing Act of 1937 is amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1971".

ELIMINATION OF WORKABLE PROGRAM REQUIREMENT WITH RESPECT TO LOW-RENT HOUSING IN PRIVATE ACCOMMODATIONS AND OTHER LOW-RENT PUBLIC HOUSING, AND WITH RESPECT TO MORTGAGE INSURANCE UNDER SECTION 221(d)(3) PROGRAM

68 Stat. 623.
42 USC 1451.

SEC. 217. (a) Section 101(c) of the Housing Act of 1949 is amended—

(1) by striking out "or for annual contributions or capital grants pursuant to the United States Housing Act of 1937, as amended, for any project or projects not constructed or covered by a contract for annual contributions prior to August 1, 1956,";

(2) by striking out "or section 221(d)(3)";

(3) by striking out "(i)", and "or (ii) section 221(d)(3) of the National Housing Act if payments with respect to the mortgaged property are made or are to be made under section 101 of the Housing and Urban Development Act of 1965," in the first proviso; and

(4) by striking out "or a contract for annual contributions or capital grants was entered into pursuant to the United States Housing Act of 1937".

(b) The second proviso in section 10(e) of the United States Housing Act of 1937 is amended by striking out "no such new contract" and all that follows down through "Housing Act of 1949, and".

(c) Section 23(f) of the United States Housing Act of 1937 is amended by striking out all that follows "this Act" where it first appears and inserting in lieu thereof "shall not apply to low-rent housing assisted or to be assisted under this section."

AUTHORIZATION FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

73 Stat. 667;
79 Stat. 457.
12 USC 1701q.

SEC. 218. Section 202(a)(4) of the Housing Act of 1959 is amended to read as follows:

"(4) There is authorized to be appropriated for the purposes of this section not to exceed \$500,000,000, which amount shall be increased by \$150,000,000 on July 1, 1969. Amounts so appropriated shall constitute a revolving fund to be used by the Secretary in carrying out this section."

AUTHORIZATION FOR COLLEGE HOUSING DEBT SERVICE GRANTS

82 Stat. 604.
12 USC 1749.

SEC. 219. Section 401(f)(2) of the Housing Act of 1950 is amended by striking out all that follows "exceed" and inserting in lieu thereof "\$20,000,000, which amount shall be increased by \$4,200,000 on July 1, 1970."

ASSISTANCE FOR HOUSING IN ALASKA

80 Stat. 1284.
42 USC 3371.

SEC. 220. Section 1004(a) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by striking out "\$7,500" and inserting in lieu thereof "\$10,875".

TITLE III—MODEL CITIES AND METROPOLITAN DEVELOPMENT PROGRAMS

AUTHORIZATION FOR MODEL CITIES PROGRAM

SEC. 301. (a) Section 111(b) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

- (1) by striking out “and” the third time it appears;
- (2) by inserting before the period at the end thereof the following: “, and not to exceed \$600,000,000 for the fiscal year ending June 30, 1971”; and
- (3) by adding at the end thereof the following new sentence: “Under regulations prescribed by the Secretary, 10 per centum of the amounts appropriated pursuant to this subsection for the fiscal year ending June 30, 1970, and for any fiscal year thereafter shall be used for assistance to city demonstration agencies in cities or counties having a population (according to the most recent decennial census) of less than 100,000, and may be so used (to the extent specifically provided in such regulations) without regard to the limitation set forth in the first sentence of section 105(c).”

(b) Section 111(c) of such Act is amended by striking out “1970” and inserting in lieu thereof “1971”.

80 Stat. 1260;
82 Stat. 602.
42 USC 3311.

AUTHORIZATION FOR COMPREHENSIVE PLANNING GRANTS

SEC. 302. The fifth sentence of section 701(b) of the Housing Act of 1954 is amended by striking out “and not to exceed \$390,000,000 prior to July 1, 1970” and inserting in lieu thereof “and not to exceed \$390,000,000 prior to July 1, 1971”.

80 Stat. 1257.
42 USC 3305.
82 Stat. 602.

82 Stat. 529.
40 USC 461.

AUTHORIZATION FOR OPEN SPACE, URBAN BEAUTIFICATION, AND HISTORIC PRESERVATION GRANTS

SEC. 303. The first sentence of section 702(b) of the Housing Act of 1961 is amended by striking out “and not to exceed \$460,000,000 prior to July 1, 1970” and inserting in lieu thereof “and not to exceed \$460,000,000 prior to July 1, 1971”.

82 Stat. 534.
42 USC 1500a.

AUTHORIZATION FOR NEW COMMUNITY SUPPLEMENTARY ASSISTANCE GRANTS

SEC. 304. Section 412(d) of the Housing and Urban Development Act of 1968 is amended by striking out “July 1, 1970” and inserting in lieu thereof “July 1, 1971”.

82 Stat. 517.
42 USC 3911.

COMMUNITY FACILITIES GRANTS

SEC. 305. (a) Section 702(c) of the Housing and Urban Development Act of 1965 is amended by striking out “1969” in clause (2) and inserting in lieu thereof “1970”.

82 Stat. 534.
42 USC 3102.

(b) Section 708(b) of such Act is amended by striking out “1970” and inserting in lieu thereof “1971”.

82 Stat. 534.
42 USC 3108.

(c) The second sentence of section 708(a) of such Act is amended by inserting before the period at the end thereof the following: “, and not to exceed \$100,000,000 for the fiscal year commencing July 1, 1970”.

URBAN MASS TRANSPORTATION

78 Stat. 304;
82 Stat. 534.
49 USC 1603.

82 Stat. 535.
49 USC 1604.

SEC. 306. (a) The first sentence of section 4(b) of the Urban Mass Transportation Act of 1964 is amended—

- (1) by striking out “and” the second time it appears; and
- (2) by striking out the period and inserting in lieu thereof “; and \$300,000,000 for fiscal year 1971.”

(b) Section 5 of such Act is amended by striking out “1970” and inserting in lieu thereof “1971”.

TRAINING AND FELLOWSHIP PROGRAMS

78 Stat. 802.
20 USC 801-
811.

SEC. 307. Title VIII of the Housing Act of 1964 is amended to read as follows:

“TITLE VIII—TRAINING AND FELLOWSHIP PROGRAMS**“FINDINGS AND PURPOSE**

“SEC. 801. (a) The Congress finds that the rapid expansion of the Nation’s urban areas and urban population has caused severe problems in urban and suburban development and created a national need to (1) provide special training in skills needed for economic and efficient community development, and (2) support research in new or improved methods of dealing with community development problems.

“(b) It is the purpose of this title to provide fellowships for the graduate training of professional city planning and urban and housing technicians and specialists, and to assist and encourage the States, in cooperation with public or private universities and colleges and urban centers and with business firms and associations, labor unions, and other interested associations and organizations, to (1) organize, initiate, develop, and expand programs which will provide special training in skills needed for economic and efficient community development to those technical, professional, and other persons with the capacity to master and employ such skills who are, or are training to be, employed by a governmental or public body which has responsibility for community development, or by a private nonprofit organization which is conducting or has responsibility for housing and community development programs, and (2) support State and local research that is needed in connection with housing programs and needs, public improvement programming, code problems, efficient land use, urban transportation, and similar community development problems.

“FELLOWSHIPS FOR CITY PLANNING AND URBAN STUDIES

“SEC. 802. (a) The Secretary is authorized to provide fellowships for the graduate training of professional city planning and urban and housing technicians and specialists as herein provided. Persons shall be selected for such fellowships solely on the basis of ability and upon the recommendation of the Urban Studies Fellowship Advisory Board established pursuant to subsection (b). Fellowships shall be solely for training in public and private nonprofit institutions of higher education having programs of graduate study in the field of city planning or in related fields (including architecture, civil engineering, eco-

nomics, municipal finance, public administration, and sociology), which programs are oriented to training for careers in city and regional planning, housing, urban renewal, and community development.

(b) There is hereby established the Urban Studies Fellowship Advisory Board (hereinafter referred to as the 'Board'), which shall consist of nine members to be appointed by the Secretary as follows: Three from public institutions of higher learning and three from private nonprofit institutions of higher education, who are the heads of departments which provide academic courses appropriately related to the fields referred to in subsection (a), and three from national organizations which are directly concerned with problems relating to urban, regional, and community development. The Board shall meet upon the request of the Secretary and shall make recommendations to him with respect to persons to be selected for fellowships under this section. Members of the Board shall be entitled to receive transportation expenses and a per diem in lieu of subsistence as authorized for members of advisory committees created pursuant to section 601 of the Housing Act of 1949.

Urban Studies
Fellowship
Advisory Board.
Establishment.

68 Stat. 645.
12 USC 1701h.

"MATCHING GRANTS TO STATES

"SEC. 803. (a) Subject to the provisions of this title and in accordance with regulations prescribed by him, the Secretary may make matching grants to States to assist in—

"(1) organizing, initiating, developing, or expanding programs to provide special training in skills needed for economic and efficient community development to those technical, professional, and other persons with the capacity to master and employ such skills who are, or are training to be, employed by a governmental or public body which has responsibilities for community development, or by a private nonprofit organization which is conducting or has responsibility for housing and community development programs; and

"(2) supporting State and local research that is needed in connection with housing programs and needs, public improvement programming, code problems, efficient land use, urban transportation, and similar community development problems, and collecting, collating, and publishing statistics and information relating to such research.

"(b) No grants may be made to a State under this section unless the Secretary has approved a plan for the State which—

"(1) sets forth the proposed use of the funds and the objectives to be accomplished;

"(2) explains the method by which the required amounts from non-Federal sources will be obtained;

"(3) provides such fiscal control and fund accounting procedures as may be reasonably necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State under this section;

"(4) designates an officer or agency of the State government who has responsibility and authority for the administration of a statewide research and training program as the officer or agency with responsibility and authority for the execution of the State's program under this section; and

"(5) provides that such officer or agency will make such reports to the Secretary, in such form, and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this section.

“(c) No grant may be made under this section for any use unless an amount at least equal to such grant is made available from non-Federal sources for the same purpose and for concurrent use.

“STATE LIMIT

“SEC. 804. Not more than 10 per centum of the total amount appropriated for the purposes of this title may be used for making grants to any one State.

“TECHNICAL ASSISTANCE, STUDIES, AND PUBLICATION OF INFORMATION

“SEC. 805. In order to carry out the purpose of this title, the Secretary is authorized to provide technical assistance to State and local governmental or public bodies and to undertake such studies and publish and distribute such information, either directly or by contract, as he shall determine to be desirable. Nothing contained in this title shall limit any authority of the Secretary under any other provision of law.

“APPROPRIATION

“SEC. 806. There is authorized to be appropriated for the purpose of making grants and providing fellowships under this title, without fiscal year limitation, not to exceed \$30,000,000. Any amounts appropriated under this section shall remain available until expended.

“MISCELLANEOUS

“State.”

“SEC. 807. (a) As used in this title the term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands; and the term ‘Secretary’ means the Secretary of Housing and Urban Development.

Appropriation.

“(b) There are authorized to be appropriated such sums as may be necessary for administrative and other expenses in carrying out this title.”

EXTENSION OF URBAN INFORMATION AND TECHNICAL ASSISTANCE SERVICES AUTHORIZATION

80 Stat. 1284;
82 Stat. 603.
42 USC 3356.

SEC. 308. Section 906 of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by striking out “July 1, 1970” and inserting in lieu thereof “July 1, 1971”.

TITLE IV—MISCELLANEOUS

FLEXIBLE INTEREST RATE AUTHORITY

82 Stat. 113;
Ante, p. 125.
12 USC 1709-1.

SEC. 401. Section 3(a) of the Act entitled “An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans’ home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes”, approved May 7, 1968, is amended by striking out “January 1, 1970” and inserting in lieu thereof “October 1, 1970”.

AUTHORIZATION FOR PROPERTY ACQUISITIONS IN APPLYING ADVANCES IN TECHNOLOGY TO HOUSING AND URBAN DEVELOPMENT

SEC. 402. The first sentence of section 1010(c) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

- (1) by inserting “(1)” after “authorized”; and
- (2) by inserting before the period a comma and the following: “and (2) notwithstanding any other provision of law, to acquire, use and dispose of land and other property as he deems necessary to carry out the purposes of subsection (a) (1) of this section”.

80 Stat. 1286;
82 Stat. 603.
42 USC 3372.

EXTENSION OF CERTAIN PROVISIONS OF LAW RELATING TO HOUSING AND URBAN DEVELOPMENT TO THE TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 403. (a) Paragraph (12) of section 2 of the United States Housing Act of 1937 is amended to read as follows:

“(12) The term ‘State’ includes the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and the territories and possessions of the United States.”

(b) Section 206 of the Housing Amendments of 1955 is amended by striking out “and the Territories and possessions of the United States” and inserting in lieu thereof “the Trust Territory of the Pacific Islands, and the territories and possessions of the United States.”

(c) (1) Section 201(d) of the National Housing Act is amended by inserting “the Trust Territory of the Pacific Islands,” after “Guam.”.

(2) Section 207(a)(7) of such Act is amended by inserting “the Trust Territory of the Pacific Islands,” after “Guam.”.

(3) Section 9 of such Act is amended by inserting “the Trust Territory of the Pacific Islands,” after “Guam.”.

50 Stat. 889.
42 USC 1402.

70 Stat. 1114.
42 USC 1496.

55 Stat. 61.
12 USC 1707.

12 USC 1713.

66 Stat. 603.
12 USC 1706d.

EMPLOYMENT OPPORTUNITIES FOR LOWER INCOME PERSONS IN CONNECTION WITH HUD-ASSISTED PROJECTS

SEC. 404. Section 3 of the Housing and Urban Development Act of 1968 is amended to read as follows:

82 Stat. 476.
12 USC 1701u.

“EMPLOYMENT OPPORTUNITIES FOR LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS

“**SEC. 3.** In the administration by the Secretary of Housing and Urban Development of programs providing direct financial assistance in aid of housing, urban planning, development, redevelopment, or renewal, public or community facilities, and new community development, the Secretary shall—

“(1) require, in consultation with the Secretary of Labor, that to the greatest extent feasible opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under any such program be given to lower income persons residing in the area of such project; and

“(2) require, in consultation with the Administrator of the Small Business Administration, that to the greatest extent feasible contracts for work to be performed in connection with any such project be awarded to business concerns, including but not limited to individuals or firms doing business in the field of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair, which are located in or owned in substantial part by persons residing in the area of such project.”

**URBAN PROPERTY PROTECTION AND REINSURANCE—ENTRY INTO
REINSURANCE CONTRACTS**

82 Stat. 561.
12 USC
1749bbb-8.

SEC. 405. Section 1222(d) of the National Housing Act is amended by striking out all that follows “thereafter” the first time it appears and inserting in lieu thereof a period.

**URBAN PROPERTY PROTECTION AND REINSURANCE—STATE SHARE
OF REINSURED LOSSES**

82 Stat. 562.
12 USC
1749bbb-9.

SEC. 406. Section 1223(a) of the National Housing Act is amended by striking out paragraph (1) and inserting in lieu thereof the following:

“(1) in any State which has not, after the close of the second full regular session of the appropriate State legislative body following the date of the enactment of this title, adopted appropriate legislation, retroactive to the date of the enactment of this title, under which the State, its political subdivisions, or a governmental corporation or fund established pursuant to State law, will reimburse the Secretary for any reinsured losses in that State in any reinsurance contract year, in an amount up to 5 per centum of the aggregate property insurance premiums earned in that State during the calendar year immediately preceding the end of the reinsurance contract year on those lines of insurance reinsured by the Secretary in that State during the contract year, to the extent that reinsured losses paid by the Secretary for such year exceed the total of (A) reinsurance premiums earned in that State during that reinsurance contract year plus (B) the excess of (i) the total premiums earned by the Secretary for reinsurance in that State during a preceding period measured from the end of the most recent reinsurance contract year with respect to which the Secretary was reimbursed for losses under this title over (ii) any amounts paid by the Secretary for reinsured losses that were incurred during such period;”.

STUDY OF REINSURANCE AND OTHER PROGRAMS

82 Stat. 565.
12 USC
1749bbb-15.

SEC. 407. Section 1235(b) of the National Housing Act is amended by striking out “one year following the date of the enactment of this title” and inserting in lieu thereof “June 30, 1970”.

EMERGENCY FLOOD INSURANCE PROGRAM

82 Stat. 582.
42 USC 4051-
4055.

SEC. 408. Part A of chapter II of title XIII of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following new section:

“EMERGENCY IMPLEMENTATION OF PROGRAM

42 USC 4011-
4027.

“**SEC. 1336.** (a) Notwithstanding any other provisions of this title, for the purpose of providing flood insurance coverage at the earliest possible time, the Secretary shall carry out the flood insurance program authorized under chapter I during the period ending December 31, 1971, in accordance with the provisions of this part and the other provisions of this title insofar as they relate to this part but subject to the modifications made by or under subsection (b).

“(b) In carrying out the flood insurance program pursuant to subsection (a), the Secretary—

“(1) shall provide insurance coverage without regard to any estimated risk premium rates which would otherwise be determined under section 1307; and

“(2) shall utilize the provisions and procedures contained in or prescribed by this part (other than section 1334) and sections 1345 and 1346 to such extent and in such manner as he may consider necessary or appropriate to carry out the purpose of this section.”

82 Stat. 576.
42 USC 4014.
42 USC 4054,
4081.
42 USC 4082.

EXTENSION OF FLOOD INSURANCE PROGRAM TO COVER LOSSES FROM WATER-CAUSED MUDSLIDES

SEC. 409. (a) Section 1302 of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following new subsection:

“(f) The Congress also finds that (1) the damage and loss which results from mudslides is related in cause and similar in effect to that which results directly from storms, deluges, overflowing waters, and other forms of flooding, and (2) the problems involved in providing protection against this damage and loss, and the possibilities for making such protection available through a Federal or federally sponsored program, are similar to those which exist in connection with efforts to provide protection against damage and loss caused by such other forms of flooding. It is therefore the further purpose of this title to make available, by means of the methods, procedures, and instrumentalities which are otherwise established or available under this title for purposes of the flood insurance program, protection against damage and loss resulting from mudslides that are caused by accumulations of water on or under the ground.”

(b) Section 1370 of such Act is amended by inserting “(a) after “SEC. 1370.”, and by adding at the end thereof the following new subsection:

“(b) The term ‘flood’ shall also include inundation from mudslides which are caused by accumulations of water on or under the ground; and all of the provisions of this title shall apply with respect to such mudslides in the same manner and to the same extent as with respect to floods described in paragraph (1), subject to and in accordance with such regulations, modifying the provisions of this title (including the provisions relating to land management and use) to the extent necessary to insure that they can be effectively so applied, as the Secretary may prescribe to achieve (with respect to such mudslides) the purposes of this title and the objectives of the program.”

82 Stat. 572.
42 USC 4001.

NATIONAL FLOOD INSURANCE PROGRAM—ADOPTION OF LOCAL FLOOD CONTROL MEASURES

SEC. 410. (a) Section 1305(c)(2) of the Housing and Urban Development Act of 1968 is amended by striking out “June 30, 1970, permanent” and inserting in lieu thereof “December 31, 1971, adequate”.

(b) Section 1315 of such Act is amended—

(1) by striking out “June 30, 1970” and inserting in lieu thereof “December 31, 1971”; and

(2) by striking out “permanent” and inserting in lieu thereof “adequate”.

(c) Section 1361(e) of such Act is amended by striking out “permanent” and inserting in lieu thereof “adequate”.

82 Stat. 588.
42 USC 4121.

“Flood.”

82 Stat. 574.
42 USC 4012.

82 Stat. 580.
42 USC 4022.

82 Stat. 587.
42 USC 4102.

INTERSTATE LAND SALES

82 Stat. 591.
15 USC 1702.

SEC. 411. Section 1403(a)(10) of the Housing and Urban Development Act of 1968 is amended to read as follows:

“(10) the sale or lease of real estate which is free and clear of all liens, encumbrances, and adverse claims if each and every purchaser or his or her spouse has made a personal on-the-lot inspection of the real estate which he purchased and if the developer executes a written affirmation to that effect to be made a matter of record in accordance with rules and regulations of the Secretary. As used in this subparagraph, the terms ‘liens’, ‘encumbrances’, and ‘adverse claims’ do not refer to property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed, nor to taxes and assessments imposed by a State, by any other public body having authority to assess and tax property, or by a property owners’ association, which, under applicable State or local law, constitute liens on the property before they are due and payable, nor to beneficial property restrictions which would be enforceable by other lot owners or lessees in the subdivision, if (A) the developer, prior to the time the contract of sale or lease is entered into, has furnished each purchaser or lessee with a statement, the form and content of which has been approved by the Secretary, setting forth in descriptive and concise terms all such reservations, taxes, assessments, and restrictions which are applicable to the lot to be purchased or leased, and (B) receipt of such statement has been acknowledged in writing by the purchaser or lessee, and a copy of the acknowledged statement is filed with the Secretary in accordance with such rules and regulations as he may require.”

REPORTS

82 Stat. 602.
42 USC 1441c.

SEC. 412. (a) Section 1603 of the Housing and Urban Development Act of 1968 is amended by striking out “January 15,” and inserting in lieu thereof “February 15.”

82 Stat. 479.
12 USC 1715z.

(b) The last sentence of section 235(h)(2) of the National Housing Act is amended by striking out “annually” and inserting in lieu thereof “semiannually”.

82 Stat. 500.
12 USC 1715z-1.

(c) The last sentence of section 236(i)(2) of the National Housing Act is amended by striking out “annually” and inserting in lieu thereof “semiannually”.

RURAL HOUSING

63 Stat. 438.
76 Stat. 671.
79 Stat. 498.
Ante, p. 125.
42 USC 1483,
1485, 1487.

Sale of assets.

42 Stat. 20.
31 USC 1.

SEC. 413. (a) Sections 513, 515(b)(5), and 517(a)(1) of the Housing Act of 1949 are each amended by striking out “January 1, 1970” wherever it appears and inserting in lieu thereof “October 1, 1973”.

(b) Section 517(c) of such Act is amended by striking out all that follows “section” and inserting in lieu thereof a period.

(c) Section 517 of such Act is amended by adding at the end thereof the following new subsection:

“(k) Any sale by the Secretary of loans individually or in blocks, pursuant to subsections (c) and (g), shall be treated as a sale of assets for the purposes of the Budget and Accounting Act, 1921, notwithstanding the fact that the Secretary, under an agreement

with the purchaser, holds the debt instruments evidencing the loans and holds or reinvests payments thereon as trustee and custodian for the purchaser."

(d) Section 517 of such Act is further amended by adding at the end thereof (after subsection (k), as added by subsection (c) of this section) the following new subsection:

"(l) The Secretary may also, upon the application of lenders, builders, or sellers and upon compliance with requirements specified by him, make commitments upon such terms and conditions as he shall prescribe to make or insure loans under this section to eligible applicants."

(e) (1) Section 517 of such Act is further amended by adding at the end thereof (after subsection (l), as added by subsection (d) of this section) the following new subsection:

"(m) The assets and liabilities of, and authorizations applicable to, the Rural Housing Direct Loan Account are hereby transferred to the Fund, and such Account is hereby abolished. Such assets and their proceeds, including loans made out of the Fund pursuant to this section, shall be subject to all of the provisions of this section."

(2) The first sentence of section 517(d) of such Act is amended—

(A) by striking out "(a) and (b)" and inserting in lieu thereof "(a), (b), and (m)"; and

(B) by inserting "or otherwise acquired by" after "loans made from".

(3) Section 518 of such Act is repealed.

(4) Section 519 of such Act is amended by striking out "or the Rural Housing Direct Loan Account" and "or Account".

(f) (1) Title V of such Act is amended by adding at the end thereof a new section as follows:

79 Stat. 498.
42 USC 1487.

Repeal.
42 USC 1488.
42 USC 1489.

63 Stat. 432;
82 Stat. 553.
42 USC 1471-
1490c.

"FINANCIAL ASSISTANCE TO NONPROFIT ORGANIZATIONS TO PROVIDE SITES FOR RURAL HOUSING FOR LOW- AND MODERATE-INCOME FAMILIES

"SEC. 524. (a) The Secretary may make loans, on such terms and conditions and in such amounts as he deems necessary, to public or private nonprofit organizations for the acquisition and development of land as building sites to be subdivided and sold to families, nonprofit organizations, and cooperatives eligible for assistance under section 235 or 236 of the National Housing Act or section 521 of this Act. Such a loan shall bear interest at a rate prescribed by the Secretary taking into consideration a rate determined annually by the Secretary of the Treasury as the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, and shall be repaid within a period not to exceed two years from the making of the loan or within such additional period as may be authorized by the Secretary in any case as being necessary to carry out the purposes of this section.

82 Stat. 477,
498, 551.
12 USC 1715z,
1715z-1.
42 USC 1490a.

"(b) In determining whether to extend financial assistance under this section, the Secretary shall take into consideration, among other factors, (1) the suitability of the area to the types of dwellings which can feasibly be provided, and (2) the extent to which the assistance will (i) facilitate providing needed decent, safe, and sanitary housing, (ii) be utilized efficiently and expeditiously, and (iii) fulfill a need in the area which is not otherwise being met through other programs, including those being carried out by other Federal, State, or local agencies."

79 Stat. 498.
42 USC 1487.

(2) Section 517(b) of such Act is amended by striking out "and 515" and inserting ", 515", and by adding after "(b)(4)", the following: "and 524".

SALE OF LAND FOR HOUSING

63 Stat. 377.
40 USC 471
note.

50 Stat. 888.
42 USC 1430.

79 Stat. 451.
12 USC 1701s.

75 Stat. 152;
79 Stat. 454.
12 USC 1715L.
82 Stat. 498.
12 USC 1715z-1.

SEC. 414. (a) Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, any surplus real property within the meaning of such Act may in the discretion of the Administrator of General Services be transferred to the Secretary of Housing and Urban Development at his request for sale or lease by him at its fair value for use in the provision of rental or cooperative housing to be occupied by families or individuals of low or moderate income. Any such sale or lease of surplus land shall be made only to (1) a public body which will use the land in connection with the development of a low-rent housing project assisted under the United States Housing Act of 1937, or under a State or local program found by the Secretary of Housing and Urban Development to have the same general purposes as the Federal program under such Act, or (2) a purchaser or lessee who will use the land in connection with the development of housing (A) with respect to which annual payments will be made to the housing owner pursuant to section 101 of the Housing and Urban Development Act of 1965, (B) financed with a mortgage which receives the benefit of the interest rate provided for in the proviso in section 221(d)(5) of the National Housing Act, or (C) with respect to which interest reduction payments will be made under section 236 of the National Housing Act: *Provided*, That prior to any such sale or lease to a purchaser or lessee other than a public body, the Secretary shall notify the governing body of the locality where the land is located of the proposed sale or lease and no such sale or lease shall be made if the local governing body, within ninety days of such notification, formally advises the Secretary that it objects to the proposed sale or lease. If the United States paid valuable consideration for any such land the Secretary shall not sell it for less than its cost to the United States at the time of acquisition. In addition, if such land contains improvements constructed by the Federal Government which have potential use in the provision of housing for low- or moderate-income families or individuals, the improvements shall be separately appraised for such use and the price for which such land is sold shall include an amount which is not less than the value of such improvements as so appraised.

(b) As a condition to any sale or lease of surplus land under this section to a purchaser or lessee other than a public body, the Secretary shall obtain such undertakings as he may consider appropriate to assure that the property will be used in the provision of rental or cooperative housing to be occupied by families or individuals of low or moderate income for a period of not less than forty years. If during such period the property is used for any purpose other than the purpose for which it was sold or leased it shall revert to the United States (or, in the case of leased property, the lease shall terminate) unless the Secretary, after the expiration of the first twenty years of such period, has approved the use of the property for such other purpose. The Secretary shall notify the Committees on Banking and Currency of the Senate and House of Representatives whenever any surplus land is sold or leased by him, or he approves a change in the use of any surplus land theretofore sold or leased by him, pursuant to the authority of this section.

AUTHORITY TO TRANSFER ADDITIONAL AMOUNTS FROM GENERAL INSURANCE FUND TO SPECIAL RISK INSURANCE FUND

SEC. 415. Section 238(b) of the National Housing Act is amended by striking out "the sum of \$5,000,000" in the first sentence and inserting in lieu thereof ", at such times and in such amounts as he may determine to be necessary, a total sum of \$20,000,000".

82 Stat. 487.
12 USC 1715z-3.

SAVINGS AND LOAN ASSOCIATIONS

SEC. 416. (a) Section 5 of the Federal Home Loan Bank Act (12 U.S.C. 1425) is amended to read as follows:

Regulations.
47 Stat. 727.

"SEC. 5. No institution shall be admitted to or retained in membership, or granted the privileges of nonmember borrowers, if the combined total of the amounts paid to it for interest, commission, bonus, discount, premium, and other similar charges, less a proper deduction for all dividends, refunds, and cash credits of all kinds, creates an actual net cost to the home owner in excess of the lawful contract rate of interest applicable to such transactions, or, in case there is no lawful contract rate of interest applicable to such transactions, in excess of such rates as may be prescribed in writing by the Board acting in its discretion from time to time. This section applies only to home mortgage loans on single-family dwellings."

(b) Section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) is amended by adding at the end thereof the following new paragraph:

Investment authority.
48 Stat. 132.

"Without regard to any other provision of this subsection, any such association is authorized to invest in shares of stock issued by a corporation authorized to be created pursuant to title IX of the Housing and Urban Development Act of 1968, and is authorized to invest in any partnership, limited partnership, or joint venture formed pursuant to section 907(a) or 907(c) of that Act."

82 Stat. 547.
42 USC 3931-3940.

(c)(1) Section 404(d)(2)(B) of the National Housing Act (12 U.S.C. 1727(d)(2)(B)) is amended by striking out "1966" and inserting in lieu thereof "1965".

82 Stat. 858.

(2) Section 6(b) of the Act of September 21, 1968 (Public Law 90-505), is amended by striking out "1968" and inserting in lieu thereof "1965".

82 Stat. 859.
12 USC 1727 note.

RESTRAINTS AGAINST USE OF NEW AND IMPROVED TECHNOLOGIES

SEC. 417. Section 1010(a) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

80 Stat. 1286;
82 Stat. 603.
42 USC 3372.

- (1) by striking out "and" at the end of paragraph (2);
- (2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and
- (3) by adding after paragraph (3) a new paragraph as follows:

"(4) assure, to the extent feasible, in connection with the construction, major rehabilitation, or maintenance of any housing

assisted under this section, that there is no restraint by contract, building code, zoning ordinance, or practice against the employment of new or improved technologies, techniques, materials, and methods or of preassembled products which may reduce the cost or improve the quality of such construction, rehabilitation, and maintenance, and therefore stimulate expanded production of housing under this section, except where such restraint is necessary to insure safe and healthful working and living conditions."

MISCELLANEOUS AND TECHNICAL AMENDMENTS

82 Stat. 478.
12 USC 1715z.

SEC. 418. (a) Section 235(c) of the National Housing Act is amended by inserting immediately before the period at the end of the first sentence the following: "*: Provided further,* That the Secretary is authorized to continue making such assistance payments where the mortgage has been assigned to the Secretary".

82 Stat. 499.
12 USC 1715z-1.

(b) Section 236(b) of such Act is amended by striking out "*Provided,* That" and inserting in lieu thereof the following "*Provided,* That the Secretary is authorized to continue making such interest reduction payments where the mortgage has been assigned to the Secretary: *Provided further,* That".

75 Stat. 182;
82 Stat. 510.
12 USC 1715n.

(c) Section 223(d) of such Act is amended by inserting the following new sentence at the end thereof: "A loan involving a project covered by a mortgage insured under section 213 that is the obligation of the Cooperative Management Housing Insurance Fund shall be the obligation of such fund, and loans involving projects covered by a mortgage insured under section 236 or under any section of this title pursuant to subsection (e) of this section shall be the obligation of the Special Risk Insurance Fund."

(d) Section 223(e) of such Act is amended to read as follows:

53 Stat. 807.
12 USC 1715c.
80 Stat. 1274.
12 USC 1749aaa-
1749aaa-5.

"(e) Notwithstanding any of the provisions of this Act except section 212, and without regard to limitations upon eligibility contained in any section of this title or title XI, the Secretary is authorized, upon application by the mortgagee, to insure under any section of this title or title XI a mortgage executed in connection with the repair, rehabilitation, construction, or purchase of property located in an older, declining urban area in which the conditions are such that one or more of the eligibility requirements applicable to the section or title under which insurance is sought could not be met, if the Secretary finds that (1) the area is reasonably viable, giving consideration to the need for providing adequate housing or group practice facilities for families of low and moderate income in such area, and (2) the property is an acceptable risk in view of such consideration. The insurance of a mortgage pursuant to this subsection shall be the obligation of the Special Risk Insurance Fund."

63 Stat. 57.
12 USC 1715d.

(e) Section 214 of such Act is amended by inserting in the first sentence after "construct dwellings" the words "or mobile home courts or parks".

80 Stat. 1274.
12 USC 1749aaa.

(f) Section 1101(e)(2) of such Act is amended—

(1) by striking out "value of the property or project" and inserting in lieu thereof "replacement cost of the property or project"; and

(2) by striking out "The value" and inserting in lieu thereof "The replacement cost".

Approved December 24, 1969.

Public Law 91-153

AN ACT

Making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

December 24, 1969
[H. R. 12964]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of State, Justice, and Commerce, the Judiciary and related agencies for the fiscal year ending June 30, 1970 and for other purposes, namely:

Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1970.

TITLE I—DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For necessary expenses of the Department of State, not otherwise provided for, including expenses authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158), and allowances as authorized by 5 U.S.C. 5921-5925; expenses of bi-national arbitrations arising under international air transport agreements; expenses necessary to meet the responsibilities and obligations of the United States in Germany (including those arising under the supreme authority assumed by the United States on June 5, 1945, and under contractual arrangements with the Federal Republic of Germany); hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others; expenses authorized by section 2 of the Act of August 1, 1956 (22 U.S.C. 2669), as amended; refund of fees erroneously charged and paid for passports; radio communications; payment in advance for subscriptions to commercial information, telephone and similar services abroad; care and transportation of prisoners and persons declared insane; expenses, as authorized by law (18 U.S.C. 3192), of bringing to the United States from foreign countries persons charged with crime; expenses necessary to provide maximum physical security in Government-owned and leased properties abroad; and procurement by contract or otherwise, of services, supplies, and facilities, as follows: (1) translating, (2) analysis and tabulation of technical information, and (3) preparation of special maps, globes, and geographic aids; \$207,095,600: *Provided*, That passenger motor vehicles in possession of the Foreign Service abroad may be replaced in accordance with section 7 of the Act of August 1, 1956 (22 U.S.C. 2674), and the cost, including the exchange allowance, of each such replacement shall not exceed \$3,800 in the case of the chief of mission automobile at each diplomatic mission (except that four such vehicles may be purchased at not to exceed \$7,800 each) and such amounts as may be otherwise provided by law for all other such vehicles.

60 Stat. 999.

80 Stat. 510.

80 Stat. 416.

70 Stat. 890;
76 Stat. 263.

62 Stat. 825.

70 Stat. 891.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 901 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1131), \$993,000.

74 Stat. 801.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses of carrying into effect the Foreign Service Buildings Act, 1926, as amended (22 U.S.C. 292–300), including personal services in the United States and abroad; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158); allowances as authorized by 5 U.S.C. 5921–5925; and services as authorized by 5 U.S.C. 3109; \$13,100,000, to remain available until expended: *Provided*, That not to exceed \$1,306,000 may be used for administrative expenses during the current fiscal year.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for the purposes authorized by section 104(b) (4) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), to be credited to and expended under the appropriation account for "Acquisition, operation, and maintenance of buildings abroad", to remain available until expended, \$2,186,000.

80 Stat. 1530.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, to be expended pursuant to the requirement of section 291 of the Revised Statutes (31 U.S.C. 107), \$1,600,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, \$130,187,000, of which not less than \$2,500,000 shall be used for payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

MISSIONS TO INTERNATIONAL ORGANIZATIONS

70 Stat. 890.

For expenses necessary for permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress, including expenses authorized by the pertinent Acts and conventions providing for such representation; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158); allowances as authorized by 5 U.S.C. 5921–5925; and expenses authorized by section 2 (a) and (e) of the Act of August 1, 1956, as amended (22 U.S.C. 2669); \$3,980,000.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses of participation by the United States, upon approval by the Secretary of State, in international activities which arise from time to time in the conduct of foreign affairs and for which specific appropriations have not been provided pursuant to treaties,

44 Stat. 403;
80 Stat. 882;
82 Stat. 461.

60 Stat. 999.
80 Stat. 510.
80 Stat. 416.

conventions, or special Acts of Congress, including personal services without regard to civil service and classification laws; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158); allowances as authorized by 5 U.S.C. 5921–5925; hire of passenger motor vehicles; contributions for the share of the United States in expenses of international organizations; and expenses authorized by section 2(a) of the Act of August 1, 1956, as amended (22 U.S.C. 2669); \$1,800,000, of which not to exceed a total of \$70,000 may be expended for representation allowances as authorized by section 901 of the Act of August 13, 1946, as amended (22 U.S.C. 1131) and for official entertainment.

60 Stat. 999.
80 Stat. 510.

70 Stat. 890.

74 Stat. 801.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For expenses necessary to enable the United States to meet its obligations under the treaties of 1884, 1889, 1905, 1906, 1933, 1944, and 1963 between the United States and Mexico, and to comply with the other laws applicable to the United States Section, International Boundary and Water Commission, United States and Mexico, including operation and maintenance of the Rio Grande rectification, canalization, flood control, bank protection, water supply, power, irrigation, boundary demarcation, and sanitation projects; detailed plan preparation and construction (including surveys and operation and maintenance and protection during construction); Rio Grande emergency flood protection; expenditures for the purposes set forth in sections 101 through 104 of the Act of September 13, 1950 (22 U.S.C. 277d-1—277d-4); purchase of four passenger motor vehicles for replacement only; purchase of planographs and lithographs; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); and leasing of private property to remove therefrom sand, gravel, stone, and other materials, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); as follows:

24 Stat. 1011;
26 Stat. 1512;
35 Stat. 1863;
34 Stat. 2953;
48 Stat. 1621;
59 Stat. 1219;
15 USC 21.

64 Stat. 846.

80 Stat. 508;
81 Stat. 206.

SALARIES AND EXPENSES

For salaries and expenses not otherwise provided for, including examinations, preliminary surveys, and investigations, \$900,000.

OPERATION AND MAINTENANCE

For operation and maintenance of projects or parts thereof, as enumerated above, including gaging stations, \$2,300,000: *Provided*. That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89).

CONSTRUCTION

For detailed plan preparation and construction of projects authorized by the convention concluded February 1, 1933, between the United States and Mexico, the Acts approved August 19, 1935, as amended (22 U.S.C. 277–277f), August 29, 1935 (49 Stat. 961), June 4, 1936 (49 Stat. 1463), June 28, 1941 (22 U.S.C. 277f), September 13, 1950 (22 U.S.C. 277d-1–9), October 10, 1966 (80 Stat. 884), and the projects stipulated in the treaty between the United States and Mexico

49 Stat. 660.
22 USC 277-
277d.
55 Stat. 338.
64 Stat. 846.
22 USC 277d-32,
277d-33.

59 Stat. 1219.

signed at Washington on February 3, 1944, \$400,000, to remain available until expended: *Provided*, That no expenditures shall be made for the Lower Rio Grande flood-control project for construction on any land, site, or easement in connection with this project except such as has been acquired by donation and the title thereto has been approved by the Attorney General of the United States: *Provided further*, That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the costs of said dam as shall have been allocated to such purposes by the Secretary of State.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For expenses necessary to enable the President to perform the obligations of the United States pursuant to treaties between the United States and Great Britain, in respect to Canada, signed January 11, 1909 (36 Stat. 2448), and February 24, 1925 (44 Stat. 2102); and the treaty between the United States and Canada, signed February 27, 1950; including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; \$561,000, to be disbursed under the direction of the Secretary of State, and to be available also for additional expenses of the American Sections, International Commissions, as hereinafter set forth:

International Joint Commission, United States and Canada, the salary of the Commissioners on the part of the United States who shall serve at the pleasure of the President; salaries of clerks and other employees appointed by the Commissioners on the part of the United States with the approval solely of the Secretary of State; travel expenses and compensation of witnesses in attending hearings of the Commission at such places in the United States and Canada as the Commission or the American Commissioners shall determine to be necessary; and special and technical investigations in connection with matters falling within the Commission's jurisdiction: *Provided*, That transfers of funds may be made to other agencies of the Government for the performance of work for which this appropriation is made.

International Boundary Commission, United States and Canada, the completion of such remaining work as may be required under the award of the Alaskan Boundary Tribunal and the existing treaties between the United States and Great Britain; commutation of subsistence to employees while on field duty, not to exceed \$8 per day each (but not to exceed \$5 per day each when a member of a field party and subsisting in camp); hire of freight and passenger motor vehicles from temporary field employees; and payment for timber necessarily cut in keeping the boundary line clear.

INTERNATIONAL FISHERIES COMMISSIONS

For expenses, not otherwise provided for, necessary to enable the United States to meet its obligations in connection with participation in international fisheries commissions pursuant to treaties or conventions, and implementing Acts of Congress, \$2,344,500: *Provided*, That the United States share of such expenses may be advanced to the respective commissions.

1 UST 694.
80 Stat. 416.

EDUCATIONAL EXCHANGE

MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACTIVITIES

For expenses, not otherwise provided for, necessary to enable the Secretary of State to carry out the functions of the Department of State under the provisions of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451-2458), and the Act of August 9, 1939 (22 U.S.C. 501), including expenses authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); expenses of the National Commission on Education, Scientific, and Cultural Cooperation as authorized by sections 3, 5, and 6 of the Act of July 30, 1946 (22 U.S.C. 287o, 287q, 287r); hire of passenger motor vehicles; not to exceed \$10,000 for representation expenses; not to exceed \$1,000 for official entertainment within the United States; services as authorized by 5 U.S.C. 3109; and advance of funds notwithstanding section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); \$31,425,000, of which not less than \$6,000,000 shall be used for payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States: *Provided*, That not to exceed \$2,196,000 may be used for administrative expenses during the current fiscal year.

75 Stat. 527.
53 Stat. 1290.
60 Stat. 999.

60 Stat. 713;
75 Stat. 341.

80 Stat. 416.

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to any appropriate agency of the State of Hawaii, \$5,260,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing for the payment thereof, in excess of the highest rate authorized in the General Schedule of the Classification Act of 1949, as amended.

74 Stat. 141.
22 USC 2054
note.

5 USC 5332
note.

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 102. Appropriations under this title for "Salaries and expenses", "International conferences and contingencies", and "Missions to international organizations" are available for reimbursement of the General Services Administration for security guard services for protection of confidential files.

Security
guard
services.

SEC. 103. No part of any appropriation contained in this title shall be used to pay the salary or expenses of any person assigned to or serving in any office of any of the several States of the United States or any political subdivision thereof.

Salaries and
expenses,
restriction.

SEC. 104. None of the funds appropriated in this title shall be used (1) to pay the United States contribution to any international organization which engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship; (2) for the promotion, direct or indirect, of the principle or doctrine of one world government or one world citizenship.

Advocates of
one world
government.

SEC. 105. It is the sense of the Congress that the Communist Chinese Government should not be admitted to membership in the United Nations as the representative of China.

Communist
China.

This title may be cited as the "Department of State Appropriation Act, 1970".

Citation of
title.

TITLE II—DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

SALARIES AND EXPENSES, GENERAL ADMINISTRATION

For expenses necessary for the administration of the Department of Justice and for examination of judicial offices, including purchase (one for replacement only) and hire of passenger motor vehicles; and miscellaneous and emergency expenses authorized or approved by the Attorney General or the Assistant Attorney General for Administration; \$7,500,000.

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including miscellaneous and emergency expenses authorized or approved by the Attorney General or the Assistant Attorney General for Administration; not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and advances of public moneys pursuant to law (31 U.S.C. 529); \$28,000,000: *Provided*, That not to exceed \$136,000 may be transferred to this appropriation from the "Alien Property Fund, World War II", for the general administrative expenses of alien property activities, including rent of private or Government-owned space in the District of Columbia.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$8,992,000: *Provided*, That none of this appropriation shall be expended for the establishment and maintenance of permanent regional offices of the Antitrust Division.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For necessary expenses of the offices of the United States attorneys and marshals, including purchase of firearms and ammunition; \$48,038,000, of which not to exceed \$50,000 shall be available for the employment of temporary deputy marshals in lieu of bailiffs at a rate of not to exceed \$12.80 per day: *Provided*, That of the amount herein appropriated \$17,500 may be used for the emergency replacement of one prisoner-carrying bus upon certificate of the Attorney General: *Provided further*, That of the amount herein appropriated not to exceed \$200,000 shall be available for payment of compensation and expenses of Commissioners appointed in condemnation cases under Rule 71A (h) of the Federal Rules of Civil Procedure.

28 USC app.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, and per diems of witnesses and for per diems in lieu of subsistence, as authorized by law, and not to exceed \$500,000 for such compensation and expenses of witnesses (including expert witnesses) pursuant to section 524 of title 28, United States Code and sections 4244-48 of title 18, United States Code; \$5,000,000: *Provided*. That no part of the sum herein appropriated shall be used to pay any witness more than one attendance fee for any one calendar day.

80 Stat. 615.

63 Stat. 686.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service established by title X of the Civil Rights Act of 1964 (42 U.S.C. 2000g—2000g-3), \$3,077,000.

78 Stat. 267.

FEDERAL BUREAU OF INVESTIGATION**SALARIES AND EXPENSES**

For expenses necessary for the detection and prosecution of crimes against the United States; protection of the person of the President of the United States; acquisition, collection, classification and preservation of identification and other records and their exchange with, and for the official use of, the duly authorized officials of the Federal Government, of States, cities, and other institutions, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies; and such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General, including purchase for police-type use without regard to the general purchase price limitation for the current fiscal year (not to exceed seven hundred forty-five, including one armored vehicle, of which five hundred seven shall be for replacement only) and hire of passenger motor vehicles; firearms and ammunition; not to exceed \$10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph; payment of rewards; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; \$232,855,000: *Provided*, That the compensation of the Director of the Bureau shall be \$42,500 per annum so long as the position is held by the present incumbent.

None of the funds appropriated for the Federal Bureau of Investigation shall be used to pay the compensation of any civil-service employee.

FBI Director,
compensation.**IMMIGRATION AND NATURALIZATION SERVICE****SALARIES AND EXPENSES**

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including advance of cash to aliens for meals and lodging while en route; payment of allowances (at a rate not in excess of \$1 per day) to aliens, while held in custody under the immigration laws, for work performed; payment of rewards; not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use, without regard to the general purchase price limitation for the current fiscal year (not to exceed two hundred and eighty, of which two hundred and fifty shall be for replacement only) and hire of passenger motor vehicles; purchase (not to exceed three for replacement only) and maintenance and operation of aircraft; firearms and ammunition, attendance at firearms matches; refunds of head tax, maintenance bills, immigration fines, and other items properly returnable, except deposits of aliens who become public charges and deposits to secure payment of fines and passage money; operation, maintenance, remodeling, and repair of buildings and the purchase of equipment

incident thereto; acquisition of land as sites for enforcement fence and construction incident to such fence; reimbursement of the General Services Administration for security guard services for protection of confidential files; and maintenance, care, detention, surveillance, parole, and transportation of alien enemies and their wives and dependent children, including return of such persons to place of bona fide residence or to such other place as may be authorized by the Attorney General; \$93,750,000: *Provided*, That of the amount herein appropriated, not to exceed \$50,000 may be used for the emergency replacement of aircraft upon certificate of the Attorney General.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES, BUREAU OF PRISONS

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision of United States prisoners in non-Federal institutions; purchase of not to exceed twenty-four for replacement only, and hire of passenger motor vehicles; compilation of statistics relating to prisoners in Federal and non-Federal penal and correctional institutions; assistance to State and local governments to improve their correctional systems; firearms and ammunition; medals and other awards; payment of rewards; purchase and exchange of farm products and livestock; construction of buildings at prison camps; and acquisition of land as authorized by section 4010 of title 18, United States Code, \$74,300,000: *Provided*, That there may be transferred to the Public Health Service such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditure by that Service for medical relief for inmates of Federal penal and correctional institutions.

80 Stat. 610.

BUILDINGS AND FACILITIES

For constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$5,440,000, to remain available until expended: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed \$500,000 of this appropriation shall be available for payment to Kelly Township, Union County, Pennsylvania, as the Department of Justice's share of the cost of a new sewage disposal plant to serve the United States Penitentiary, Lewisburg, Pennsylvania.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions, including necessary clothing and medical aid, payment of rewards, and reimbursement to St. Elizabeths Hospital for the care and treatment of United States prisoners, at per diem rates approved by the Bureau of the Budget, as authorized by law (24 U.S.C. 168a), \$7,900,000.

61 Stat. 751.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

SALARIES AND EXPENSES

For grants, contracts, loans, and other law enforcement assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, including departmental salaries and other expenses in connection therewith, \$268,000,000.

82 Stat. 197.
42 USC 3701
et seq.

BUREAU OF NARCOTICS AND DANGEROUS DRUGS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Narcotics and Dangerous Drugs, including hire of passenger motor vehicles; payment in advance for special tests and studies by contract; not to exceed \$50,000 for miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Attorney General and to be accounted for solely on his certificate; purchase of not to exceed one hundred fifty-seven passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year; payment of rewards; payment for publication of technical and informational materials in professional and trade journals; purchase of chemicals, apparatus, and scientific equipment; \$25,317,000.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 202. None of the funds appropriated by this title may be used to pay the compensation of any person hereafter employed as an attorney (except foreign counsel employed in special cases) unless such person shall be duly licensed and authorized to practice as an attorney under the laws of a State, territory, or the District of Columbia.

Attorneys,
qualifications.

SEC. 203. Seventy-five per centum of the expenditures for the offices of the United States attorney and the United States marshal for the District of Columbia from all appropriations in this title shall be reimbursed to the United States from any funds in the Treasury of the United States to the credit of the District of Columbia.

Reimbursement
to U.S.

SEC. 204. Appropriations and authorizations made in this title which are available for expenses of attendance at meetings shall be expended for such purposes in accordance with regulations prescribed by the Attorney General.

Attendance at
meetings.

SEC. 205. Appropriations and authorizations made in this title for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

Experts and
consultants.

SEC. 206. Appropriations for the current fiscal year for "Salaries and expenses, general administration", "Salaries and expenses, United States Attorneys and Marshals", "Salaries and expenses, Federal Bureau of Investigation", "Salaries and expenses, Immigration and Naturalization Service", and "Salaries and expenses, Bureau of Prisons", shall be available for uniforms and allowances therefor as authorized by law (5 U.S.C. 5901-5902).

80 Stat. 416.
Uniform
allowances.

SEC. 207. Appropriations made in this title shall be available for the purchase of insurance for motor vehicles operated on official Government business in foreign countries.

80 Stat. 508;
81 Stat. 206.
Insurance,
government
motor
vehicles.
Citation of
title.

This title may be cited as the "Department of Justice Appropriation Act, 1970".

TITLE III—DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce, including not to exceed \$1,500 for official entertainment, \$5,316,000.

OFFICE OF BUSINESS ECONOMICS

SALARIES AND EXPENSES

For necessary expenses of the Office of Business Economics, \$3,162,000.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, and publishing current census statistics, provided for by law, and modernization or development of automatic data processing equipment, \$18,500,000.

NINETEENTH DECAENNIAL CENSUS

For an additional amount for expenses necessary to prepare for taking, compiling, and publishing the nineteenth decennial census, as authorized by law, \$137,850,000, to remain available until December 31, 1972.

1967 ECONOMIC CENSUSES

For an additional amount for expenses necessary to prepare for taking, compiling, and publishing the 1967 censuses of business, transportation, manufactures, and mineral industries, as authorized by law, \$3,487,000, to remain available until December 31, 1970.

1972 CENSUS OF GOVERNMENTS

For expenses necessary to prepare for taking, compiling, and publishing the 1972 census of governments, as authorized by law, \$200,000, to remain available until December 31, 1974.

ECONOMIC DEVELOPMENT ASSISTANCE

DEVELOPMENT FACILITIES

For grants and loans for development facilities as authorized by titles I, II, IV and V of the Public Works and Economic Development Act of 1965, as amended (79 Stat. 552; 81 Stat. 266), \$174,500,000: *Provided*, That no part of any appropriation contained in this Act shall be used for administrative or any other expenses in the creation or operation of an economic development revolving fund.

^{42 USC 3131}
et seq.

INDUSTRIAL DEVELOPMENT LOANS AND GUARANTEES

For loans and guarantees of working capital loans for industrial development, pursuant to titles II and IV of the Public Works and Economic Development Act of 1965, as amended (79 Stat. 552, 81 Stat. 690), \$50,000,000.

PLANNING, TECHNICAL ASSISTANCE, AND RESEARCH

For payments for technical assistance, research, and planning grants, as authorized by titles III and V of the Public Works and Economic Development Act of 1965, as amended (79 Stat. 558; 81 Stat. 266), <sup>42 USC 3151
et seq.</sup> \$27,000,000.

OPERATIONS AND ADMINISTRATION

For necessary expenses of administering the economic development assistance programs, not otherwise provided for, \$19,500,000, of which not less than \$1,200,000 shall be advanced to the Small Business Administration for the processing of loan applications.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Business and Defense Services Administration, \$6,418,000.

INTERNATIONAL ACTIVITIES

SALARIES AND EXPENSES

For necessary expenses for the promotion of foreign commerce, including trade centers, mobile trade fairs, and trade and industrial exhibits, abroad, without regard to the provisions of law set forth in 41 U.S.C. 5 and 13; 44 U.S.C. 111, 322, and 324; purchase of commercial and trade reports; employment of aliens by contract for services abroad; rental of space abroad, for periods not exceeding five years, and expenses of alteration, repair, or improvement; advance of funds under contracts abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28 of the United States Code, when such claims arise in foreign countries; and not to exceed \$3,000 for official representation expenses abroad; \$19,000,000, of which \$11,100,000 shall remain available for international trade promotions until June 30, 1971: *Provided*, That the provisions of the first sentence of section 105(f) and all of 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256) shall apply in carrying out the activities concerned with international trade promotions.

<sup>82 Stat. 1243,
1305.
44 USC 501,
3703, 3702
and notes.</sup>

^{80 Stat. 306.}

<sup>75 Stat. 532.
22 USC 2455,
2458.</sup>

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for necessary expenses for the promotion of foreign commerce, as authorized herein under the appropriation for "Salaries and expenses," \$200,000, to remain available until expended.

EXPORT CONTROL

For expenses necessary for carrying out the provisions of the Export Control Act of 1949, as amended, relating to export controls, including awards of compensation to informers under said Act and as authorized by the Act of August 13, 1953 (22 U.S.C. 401), \$5,358,000, of which not to exceed \$1,688,000 may be advanced to the Bureau of Customs, Treasury Department, for enforcement of the export control program.

<sup>63 Stat. 7.
50 USC app.
2021 note.
67 Stat. 577.</sup>

OFFICE OF FIELD SERVICES

SALARIES AND EXPENSES

For expenses necessary to operate and maintain field offices for the collection and dissemination of information useful in the development and improvement of commerce throughout the United States and its possessions, \$5,160,000.

FOREIGN DIRECT INVESTMENT CONTROL

SALARIES AND EXPENSES

For necessary expenses for carrying out the provisions of the Executive Order 11387, January 1, 1968, including services as authorized by 5 U.S.C. 3109, \$3,000,000.

3 CFR 1968
Comp., p. 90.
80 Stat. 416.

MINORITY BUSINESS ENTERPRISE

SALARIES AND EXPENSES

For necessary expenses for carrying out the provisions of Executive Order 11458 of March 5, 1969, \$1,200,000.

34 F.R. 4937.

UNITED STATES TRAVEL SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the International Travel Act of 1961 (75 Stat. 129), including employment of aliens by contract for service abroad; rental of space abroad, for periods not exceeding five years, and expenses of alteration, repair or improvement; advance of funds under contracts abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28 of the United States Code, when such claims arise in foreign countries; and not to exceed \$3,500 for representation expenses abroad; \$4,500,000.

22 USC 2121
note.

80 Stat. 306.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the Environmental Science Services Administration, including maintenance, operation, and hire of aircraft; expenses of an authorized strength of 330 commissioned officers on the active list; pay of commissioned officers retired in accordance with law; purchase of supplies for the upper-air weather measurements program for delivery through December 31 of the next fiscal year; \$121,350,000, of which \$1,216,000 shall be available for retirement pay of commissioned officers and payments under the Retired Serviceman's Family Protection Plan: *Provided*, That this appropriation shall be reimbursed for at least press costs and costs of paper for navigational charts furnished for official use of other Government departments and agencies.

70A Stat. 108;
75 Stat. 810.
10 USC 1431-
1446.

RESEARCH AND DEVELOPMENT

For expenses necessary for the conduct of research by the Environmental Science Services Administration, including development, testing, and evaluation of new operational systems and equipment; maintenance, operation, and hire of aircraft; and the acquisition and installation of research instrumentation; \$24,300,000, to remain available until expended.

FACILITIES, EQUIPMENT, AND CONSTRUCTION

For an additional amount for expenses necessary for the construction of surveying ships, magnetic, seismological, oceanographic, and meteorological facilities, including the initial equipment and outfitting of new facilities; alteration, modernization, and relocation of operational facilities; acquisition, establishment, and relocation of research facilities and related equipment; and the acquisition of land for the foregoing facilities; \$4,385,000, to remain available until expended.

SATELLITE OPERATIONS

For expenses necessary to observe environmental conditions from space satellites, and for the reporting and processing of the data obtained for use in environmental forecasting, \$6,957,000, to remain available until expended: *Provided*, That this appropriation shall be available for payment to the National Aeronautics and Space Administration for procurement, in accordance with the authority available to that Administration, of such equipment or facilities as may be necessary, for the purposes of this appropriation.

PATENT OFFICE**SALARIES AND EXPENSES**

For necessary expenses of the Patent Office, including defense of suits instituted against the Commissioner of Patents, \$44,500,000.

NATIONAL BUREAU OF STANDARDS**RESEARCH AND TECHNICAL SERVICES**

For expenses, necessary in performing the functions authorized by the Act of March 3, 1901, as amended (15 U.S.C. 271-278e), including general administration; operation, maintenance, alteration, and protection of grounds and facilities; and improvement and construction of facilities as authorized by the Act of September 2, 1958 (15 U.S.C. 278d); \$37,000,000.

31 Stat. 1449.

72 Stat. 1711.

RESEARCH AND TECHNICAL SERVICES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the National Bureau of Standards, as authorized by law, \$500,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to the Bureau, for payments in the foregoing currencies.

PLANT AND FACILITIES

Funds heretofore appropriated for "Plant and facilities", shall be available for design of a high-purity materials facility; and provision of standards of weight and measure to the States, including the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

OFFICE OF STATE TECHNICAL SERVICES**GRANTS AND EXPENSES**

^{15 USC 1351}
note.

For administrative expenses as authorized by the State Technical Services Act of 1965 (79 Stat. 679), as amended (82 Stat. 423), without regard to the provisions of section 10(d) of said act, \$290,000.

MARITIME ADMINISTRATION**SHIP CONSTRUCTION**

^{49 Stat. 1996;}
^{52 Stat. 958.}

^{53 Stat. 1183.}

For construction-differential subsidy and cost of national-defense features incident to construction of ships for operation in foreign commerce (46 U.S.C. 1152, 1154); for construction-differential subsidy and cost of national-defense features incident to the reconstruction and reconditioning of ships under title V of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1154); and for acquisition of used ships pursuant to section 510 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1160); to remain available until expended, \$15,918,000.

OPERATING-DIFFERENTIAL SUBSIDIES (LIQUIDATION OF CONTRACT AUTHORIZATION)

^{49 Stat. 1985.}
^{46 USC 1245.}

For the payment of obligations incurred for operating-differential subsidies granted on or after January 1, 1947, as authorized by the Merchant Marine Act, 1936, as amended, and in appropriations heretofore made to the United States Maritime Commission, \$194,400,000, to remain available until expended: *Provided*, That no contracts shall be executed during the current fiscal year by the Secretary of Commerce which will obligate the Government to pay operating-differential subsidy on more than two thousand four hundred voyages in any one calendar year, including voyages covered by contracts in effect at the beginning of the current fiscal year.

RESEARCH AND DEVELOPMENT

NS Savannah.

For expenses necessary for research, development, fabrication, and test operation of experimental facilities and equipment; collection and dissemination of maritime technical and engineering information; studies to improve water transportation systems; \$11,100,000 to remain available until expended, of which \$3,400,000 shall be for operation of the N.S. Savannah: *Provided*, That none of the funds appropriated herein are to be used for a layup of the N.S. Savannah: *Provided further*, That transfers may be made from this appropriation to the "Vessel operations revolving fund" for losses resulting from expenses of experimental ship operations.

SALARIES AND EXPENSES

For expenses necessary for carrying into effect the Merchant Marine Act, 1936, and other laws administered by the Maritime Administration, including not to exceed \$1,125 for entertainment of officials of other countries when specifically authorized by the Maritime Administrator; not to exceed \$1,250 for representation allowances; \$20,578,000.

49 Stat. 1985.
46 USC 1245.

MARITIME TRAINING

For training cadets as officers of the Merchant Marine at the Merchant Marine Academy at Kings Point, New York; not to exceed \$2,500 for contingencies for the Superintendent, United States Merchant Marine Academy, to be expended in his discretion; and uniform and textbook allowances for cadet midshipmen, at an average yearly cost of not to exceed \$475 per cadet; \$6,164,000: *Provided*, That, except as herein provided for uniform and textbook allowances, this appropriation shall not be used for compensation or allowances for cadets: *Provided further*, That reimbursement may be made to this appropriation for expenses in support of activities financed from the appropriations for "Research and development", "Ship construction", and "Salaries and expenses".

STATE MARINE SCHOOLS

For financial assistance to State marine schools and the students thereof as authorized by the Maritime Academy Act of 1958 (72 Stat. 622-624), \$2,040,000, of which \$625,000 is for maintenance and repair of vessels loaned by the United States for use in connection with such State marine schools, and \$1,415,000, to remain available until expended, is for liquidation of obligations incurred under authority granted by said Act, to enter into contracts to make payments for expenses incurred in the maintenance and support of marine schools, and to pay allowances for uniforms, textbooks, and subsistence of cadets at State marine schools.

46 USC 1381
note.

GENERAL PROVISIONS—MARITIME ADMINISTRATION

No additional vessel shall be allocated under charter, nor shall any vessel be continued under charter by reason of any extension of chartering authority beyond June 30, 1949, unless the charterer shall agree that the Maritime Administration shall have no obligation upon redelivery to accept or pay for consumable stores, bunkers, and slop-chest items, except with respect to such minimum amounts of bunkers as the Maritime Administration considers advisable to be retained on the vessel and that prior to such redelivery all consumable stores, slop-chest items, and bunkers over and above such minimums shall be removed from the vessel by the charterer at his own expense.

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received by the Maritime Administration for utilities, services, and repairs so furnished or made shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy on account of items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

49 Stat. 1985.
46 USC 1245.

63 Stat. 907.

80 Stat. 416.
80 Stat. 508;
81 Stat. 206.

Citation of
title.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act, or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 302. During the current fiscal year applicable appropriations and funds available to the Department of Commerce shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act.

SEC. 303. During the current fiscal year appropriations to the Department of Commerce which are available for salaries and expenses shall be available for hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 304. No part of any appropriation contained in this title shall be used for construction of any ship in any foreign country.

This title may be cited as the "Department of Commerce Appropriation Act, 1970".

TITLE IV—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES

For the Chief Justice and eight Associate Justices, and all other officers and employees, whose compensation shall be fixed by the Court, except as otherwise provided by law, and who may be employed and assigned by the Chief Justice to any office or work of the Court, \$2,535,000.

PRINTING AND BINDING SUPREME COURT REPORTS

For printing and binding the advance opinions, preliminary prints, and bound reports of the Court, \$195,000.

MISCELLANEOUS EXPENSES

For miscellaneous expenses, to be expended as the Chief Justice may approve, \$164,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without reference to the Classification and Retirement Acts, as amended), and for snow removal by hire of men and equipment or under contract without compliance with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); \$388,300.

48 Stat. 668.

63 Stat. 954;
70 Stat. 743.
5 USC 5101
et seq., 8331
et seq.

AUTOMOBILE FOR THE CHIEF JUSTICE

For purchase, exchange, lease, driving, maintenance, and operation of an automobile for the Chief Justice of the United States, \$9,900.

BOOKS FOR THE SUPREME COURT

For books and periodicals for the Supreme Court to be purchased by the Librarian of the Supreme Court, under the direction of the Chief Justice, \$40,000.

COURT OF CUSTOMS AND PATENT APPEALS

SALARIES AND EXPENSES

For salaries of the chief judge, four associate judges, and all other officers and employees of the court, and necessary expenses of the court, including exchange of books, and traveling expenses, as may be approved by the chief judge, \$577,000.

CUSTOMS COURT

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges; salaries of the officers and employees of the court; services as authorized by 5 U.S.C. 3109; and necessary expenses of the court, including exchange of books, and traveling expenses, as may be approved by the court; \$1,870,000: *Provided*, That traveling expenses of judges of the Customs Court shall be paid upon written certificate of the judge.

80 Stat. 416.

COURT OF CLAIMS

SALARIES AND EXPENSES

For salaries of the chief judge, six associate judges, and all other officers and employees of the court, and for other necessary expenses, including stenographic and other fees and charges necessary in the taking of testimony, and travel, \$1,872,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES OF JUDGES

For salaries of circuit judges; district judges (including judges of the district courts of the Virgin Islands, the Panama Canal Zone, and Guam); justices and judges retired or resigned under title 28, United States Code, sections 371, 372, and 373; and annuities of widows of Justices of the Supreme Court of the United States in accordance with title 28, United States Code, section 375; \$22,765,000.

68 Stat. 12.

68 Stat. 918.

SALARIES OF SUPPORTING PERSONNEL

For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, \$47,957,000: *Provided*, That the compensation of secretaries and law clerks of circuit and district judges shall be fixed by the Director of the Administrative Office of the United States Courts without regard to the provisions of chapter 51 of title 5, United States Code, except that the salary of a secretary

80 Stat. 443.
5 USC 5101-
5115.

5 USC 5332
note.

80 Stat. 458.
5 USC 5301-
5364.

78 Stat. 552.
18 USC 3006A
note.

62 Stat. 815.

shall conform with that of the General Schedule grades (GS) 5, 6, 7, 8, 9, or 10, as the appointing judge shall determine, and the salary of a law clerk shall conform with that of the General Schedule grades (GS) 7, 8, 9, 10, 11, or 12, as the appointing judge shall determine, subject to review by the Judicial Conference of the United States if requested by the Director, such determination by the judge otherwise to be final: *Provided further*, That (exclusive of step increases corresponding with those provided for by chapter 53 of title 5 of the United States Code, and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by each of the circuit and district judges shall not exceed \$31,674 and \$22,952 per annum, respectively, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed \$40,971 and \$29,933 per annum, respectively.

FEES AND EXPENSES OF COURT-APPOINTED COUNSEL

For compensation and reimbursement of expenses of attorneys appointed to represent defendants in criminal cases and for investigative, expert or other services pursuant to the Criminal Justice Act of 1964 (62 Stat. 684), \$3,150,000.

FEES OF JURORS AND COMMISSIONERS

For fees, expenses, and costs of jurors; compensation of jury commissioners; fees of United States commissioners and other committing magistrates acting under title 18, United States Code, section 3041; \$15,000,000.

TRAVEL AND MISCELLANEOUS EXPENSES

For necessary travel and miscellaneous expenses, not otherwise provided for, incurred by the Judiciary, including the purchase of firearms and ammunition, and the cost of contract statistical services for the office of Register of Wills of the District of Columbia, \$7,000,000: *Provided*, That this sum shall be available in an amount not to exceed \$16,500 for expenses of attendance at meetings concerned with the work of Federal probation when incurred on the written authorization of the Director of the Administrative Office of the United States Courts.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

For necessary expenses of the Administrative Office of the United States Courts, including travel, advertising, and rent in the District of Columbia and elsewhere, \$2,050,000: *Provided*, That not to exceed \$90,000 of the appropriations contained in this title shall be available for the study of rules of practice and procedure.

SALARIES OF REFEREES

60 Stat. 326;
81 Stat. 518.

For salaries of referees as authorized by the Act of June 28, 1946, as amended (11 U.S.C. 68), not to exceed \$6,203,000, to be derived from the Referees' salary and expense fund established in pursuance of said Act.

EXPENSES OF REFEREES

60 Stat. 329.

For expenses of referees as authorized by the Act of June 28, 1946, as amended (11 U.S.C. 68, 102), not to exceed \$8,650,000, to be derived

from the Referees' salary and expense fund established in pursuance of said Act: *Provided*, That \$390,000 shall be transferred to the appropriation for "Administrative Office of the United States Courts" for general administrative expenses of the bankruptcy system.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$600,000.

81 Stat. 664.
28 USC 620-
629.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 402. Sixty per centum of the expenditures for the District Court of the United States for the District of Columbia from all appropriations under this title and 30 per centum of the expenditures for the United States Court of Appeals for the District of Columbia from all appropriations under this title shall be reimbursed to the United States from any funds in the Treasury to the credit of the District of Columbia.

Reimbursement
to U.S.

SEC. 403. The reports of the United States Court of Appeals for the District of Columbia shall not be sold for a price exceeding that approved by the court and for not more than \$6.50 per volume.

U.S. Court of
Appeals,
reports.

SEC. 404. None of the funds contained in this title shall be available for the salaries or expenses of deputy clerks in any office that has discontinued the taking of applications for passports subsequent to October 31, 1968 and has not resumed such service on a permanent basis.

This title may be cited as the "Judiciary Appropriation Act, 1970".

Citation of title.

TITLE V—RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchase and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; not to exceed \$67,000 for expenses of travel; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries when required by law of such countries; \$2,639,000: *Provided*. That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*. That when traveling on business of the Commission, officers of the Armed Forces serving as members or as secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*. That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay and allowances of personnel assigned to it.

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided for, for arms control and disarmament activities authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2589(a)), \$9,500,000.

*75 Stat. 639;
82 Stat. 129.*

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, \$2,650,000.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF EDUCATION

CIVIL RIGHTS EDUCATION

*78 Stat. 246.
42 USC 2000c-
2000c-9.*

For carrying out title IV of the Civil Rights Act of 1964 relating to functions of the Commissioner of Education, including not to exceed \$2,000,000 for salaries and expenses, including services as authorized by 5 U.S.C. 3109, \$14,000,000.

80 Stat. 416.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

*42 USC 2000e-
2000e-15.*

For necessary expenses of the Equal Employment Opportunity Commission established by title VII of the Civil Rights Act of 1964, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$900,000 for payments to State and local agencies for services to the Commission pursuant to title VII of the Civil Rights Act, \$12,500,000.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

*80 Stat. 508;
81 Stat. 206.*

For necessary expenses of the Federal Maritime Commission, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902, \$3,715,000.

FOREIGN CLAIMS SETTLEMENT COMMISSION

SALARIES AND EXPENSES

*60 Stat. 1025;
81 Stat. 671.
22 USC 1131-
1159.*

For expenses necessary to carry on the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109; allowances and benefits similar to those provided by title IX of the Foreign Service Act of 1946, as amended, as determined by the Commission; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters for personnel assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; and advances of funds abroad; not to exceed \$6,000 for expenses of

travel; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens; \$650,000.

NATIONAL COMMISSION ON REFORM OF FEDERAL CRIMINAL LAWS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Act of November 8, 1966 (Public Law 89-801), including hire of passenger motor vehicles, \$300,000.

80 Stat. 1516.
18 USC prec. 1
note.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles, and not to exceed \$5,000,000 for expenses necessary to carry out the provisions of section 406 of the Economic Opportunity Act of 1964, as amended, \$16,500,000, and in addition, there may be transferred to this appropriation not to exceed a total of \$50,000,000 from the "Disaster loan fund," the "Business loan and investment fund" and the "Lease guarantees revolving fund," in such amounts as may be necessary for administrative expenses in connection with activities respectively financed under said funds: *Provided*, That 10 per centum of the amount authorized to be transferred from these revolving funds shall be apportioned for use, pursuant to section 3679 of the Revised Statutes, as amended, only in such amounts and at such times as may be necessary to carry out the business and disaster loan, and lease guarantee programs.

81 Stat. 711.
42 USC 2906b.

31 USC 665.

BUSINESS LOAN AND INVESTMENT FUND

DISASTER LOAN FUND

LEASE GUARANTEES REVOLVING FUND

The Small Business Administration is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the following funds, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for the "Disaster loan fund", the "Business loan and investment fund", and the "Lease guarantees revolving fund."

61 Stat. 584.
31 USC 849.

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations in obligations of the Small Business Administration authorized by the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Government National Mortgage Association Charter Act, as amended, \$1,757,000.

81 Stat. 431.

78 Stat. 800;
80 Stat. 164,
1236.
12 USC 1717.

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS**SALARIES AND EXPENSES**

80 Stat. 416.

For expenses necessary for the Special Representative for Trade Negotiations, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, \$482,000: *Provided*, That none of the funds contained in this paragraph shall be made available for the collection and preparation of information which will not be available to Committees of Congress in the regular discharge of their duties.

SUBVERSIVE ACTIVITIES CONTROL BOARD**SALARIES AND EXPENSES**

For necessary expenses of the Subversive Activities Control Board, including services as authorized by 5 U.S.C. 3109, not to exceed \$15,000 for expenses of travel, and not to exceed \$500 for the purchase of newspapers and periodicals, \$344,400.

TARIFF COMMISSION**SALARIES AND EXPENSES**46 Stat. 701.
19 USC 1336,
1337, 1338.

For necessary expenses of the Tariff Commission, not to exceed \$60,000 for expenses of travel, and services as authorized by 5 U.S.C. 3109, \$3,900,000: *Provided*, That no part of this appropriation shall be used to pay the salary of any member of the Tariff Commission who shall hereafter participate in any proceedings under sections 336, 337, and 338 of the Tariff Act of 1930, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative: *Provided further*, That no part of the foregoing appropriation shall be used for making any special study, investigation, or report at the request of any other agency of the executive branch of the Government unless reimbursement is made for the cost thereof.

UNITED STATES INFORMATION AGENCY**SALARIES AND EXPENSES**67 Stat. 642.
22 USC 1461
note.
22 USC 2451
note.
62 Stat. 6.60 Stat. 999;
81 Stat. 671.

For expenses necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 8 of 1953, the Mutual Educational and Cultural Exchange Act (75 Stat. 527), and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international information activities, including employment, without regard to the civil service and classification laws, of (1) persons on a temporary basis (not to exceed \$20,000), (2) aliens within the United States, and (3) aliens abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages (such aliens to be investigated for such employment in accordance with procedures established by the Director of the Agency and the Attorney General); travel expenses of aliens employed abroad for service in the United States and their dependents to and from the United States; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); entertainment within the United States not to exceed \$500; hire of

passenger motor vehicles; insurance on official motor vehicles in foreign countries; services as authorized by 5 U.S.C. 3109; payment of tort claims, in the manner authorized in the first paragraph of section 2672, as amended, of title 28 of the United States Code when such claims arise in foreign countries; advance of funds notwithstanding section 3648 of the Revised Statutes, as amended; dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others; employment of aliens, by contract, for service abroad; purchase of ice and drinking water abroad; payment of excise taxes on negotiable instruments abroad; purchase of uniforms for not to exceed fifteen guards; actual expenses of preparing and transporting to their former homes the remains of persons, not United States Government employees, who may die away from their homes while participating in activities authorized under this appropriation; radio activities and acquisition and production of motion pictures and visual materials and purchase or rental of technical equipment and facilities therefor, narration, scriptwriting, translation, and engineering services, by contract or otherwise; maintenance, improvement, and repair of properties used for information activities in foreign countries; fuel and utilities for Government-owned or leased property abroad; rental or lease for periods not exceeding five years of offices, buildings, grounds, and living quarters for officers and employees engaged in informational activities abroad; travel expenses for employees attending official international conferences, without regard to the Standardized Government Travel Regulations and to the rates of per diem allowances in lieu of subsistence expenses under 5 U.S.C. 5701-5708, but at rates not in excess of comparable allowances approved for such conferences by the Secretary of State; and purchase of objects for presentation to foreign governments, schools, or organizations; \$160,750,000: *Provided*, That not to exceed \$110,000 may be used for representation abroad: *Provided further*, That this appropriation shall be available for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel, when any part of such travel or transportation begins in the current fiscal year pursuant to travel orders issued in that year, notwithstanding the fact that such travel or transportation may not be completed during the current year: *Provided further*, That passenger motor vehicles used abroad exclusively for the purposes of this appropriation may be exchanged or sold, pursuant to section 201(c) of the Act of June 30, 1949 (40 U.S.C. 481(c)), and the exchange allowances or proceeds of such sales shall be available for replacement of an equal number of such vehicles and the cost, including the exchange allowance of each such replacement, shall not exceed such amounts as may be otherwise provided by law: *Provided further*, That, notwithstanding the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the United States Information Agency is authorized, in making contracts for the use of international short-wave radio stations and facilities, to agree on behalf of the United States to indemnify the owners and operators of said radio stations and facilities from such funds as may be hereafter appropriated for the purpose against loss or damage on account of injury to persons or property arising from such use of said radio stations and facilities.

80 Stat. 416.

80 Stat. 306.

31 USC 529.

80 Stat. 498;
Ante, p. 190.

63 Stat. 384.

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the United States Information Agency, as authorized by law, \$10,800,000, to remain available until expended.

SPECIAL INTERNATIONAL EXHIBITIONS

For expenses necessary to carry out the functions of the United States Information Agency under section 102(a)(3) of the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 527), \$2,600,000, to remain available until expended: *Provided*, That not to exceed a total of \$7,200 may be expended for representation.

76 Stat. 263.
22 USC 2452.

61 Stat. 584.
31 USC 849.

80 Stat. 416.

TITLE VI—FEDERAL PRISON INDUSTRIES,
INCORPORATED

The following corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such corporation, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of not to exceed six (for replacement only) and hire of passenger motor vehicles, except as hereinafter provided:

LIMITATION ON ADMINISTRATIVE AND VOCATIONAL TRAINING EXPENSES,
FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$817,000 of the funds of the corporation shall be available for its administrative expenses, and not to exceed \$2,850,000 for the expenses of vocational training of prisoners, both amounts to be available for services as authorized by 5 U.S.C. 3109, and to be computed on an accrual basis and to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and shall be exclusive of depreciation, payment of claims, expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

TITLE VII—GENERAL PROVISIONS

Publicity or
propaganda.

Foreign
currency
funded
programs.

Fiscal year
limitation.

SEC. 701. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 702. No part of any appropriation contained in this Act shall be used to administer any program which is funded in whole or in part from foreign currencies or credits for which a specific dollar appropriation therefor has not been made.

SEC. 703. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 704. None of the funds in this Act shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under sec. 214 of the Independent Offices Appropriation Act, 1946 (31 U.S.C. 691) which do not have prior and specific congressional approval of such method of financial support.

Interdepart-
mental groups.

SEC. 705. No part of the funds appropriated by this Act shall be used to pay the salary of any Federal employee who is finally convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

59 Stat. 134.

Payments to
convicted
rioters, pro-
hibition.

SEC. 706. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of, or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials or students in such institution from engaging in their duties or pursuing their studies at such institution: *Provided*, That such limitation upon the use of money appropriated in this Act shall not apply to a particular individual until the appropriate institution of higher education at which such conduct occurred shall have had an opportunity to initiate or has completed such proceedings as it deems appropriate but which are not dilatory in order to determine whether the provisions of this limitation upon the use of appropriated funds shall apply: *Provided further*, That such institution shall certify to the Secretary of Health, Education, and Welfare at quarterly or semester intervals that it is in compliance with this provision.

Funds for
campus dis-
ruptors, pro-
hibition.

This Act may be cited as the "Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1970".

Compliance,
certification.

Approved December 24, 1969.

Short title.

Public Law 91-154

AN ACT

To eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards, and for other purposes.

December 24, 1969
[H. R. 210]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4400 of the Revised Statutes, as amended (46 U.S.C. 362), is amended—

Passenger
vessels.
Construction de-
tail disclosure,
elimination.

(1) by inserting in the second sentence of subsection (b) between the words "information" and "as" the following: "and shall specify the registry of any vessel named," and

(2) by inserting between the second and third sentences of subsection (b) thereof the following new sentence: "The passenger notification and promotional or advertising literature inclusions required by this subsection, except the inclusion of the country of registry of the vessel, do not apply to voyages by vessels meeting the safety standards prescribed in subsection (e) of this section."

Approved December 24, 1969.

Public Law 91-155

December 24, 1969
[H. R. 14916]

District of Columbia Appropriation Act, 1970.

Ante, p. 180.
68 Stat. 102.
108.

D.C. Code
43-1601 note.

1 USC 203
note.

AN ACT

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1970, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending June 30, 1970, and for other purposes, namely:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the following funds of the District of Columbia for the fiscal year ending June 30, 1970: \$104,169,000 to the general fund; \$2,504,000 to the water fund; and \$1,424,000 to the sanitary sewage works fund, as authorized by the District of Columbia Revenue Act of 1947, as amended (D.C. Code, Sec. 47-2501(a); 82 Stat. 612), and the Act of May 18, 1954 (D.C. Code, Sec. 43-1541 and 1611).

LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

For loans to the District of Columbia as authorized by the Act of May 18, 1954 (68 Stat. 101), and the Act of June 6, 1958, as amended (D.C. Code, Sec. 9-220(b); 81 Stat. 339), \$60,263,000, which together with balances of previous appropriations for this purpose, shall remain available until expended and be advanced upon request of the Commissioner to the following funds: general fund, \$57,235,000; highway fund, \$700,000; water fund, \$170,000; and sanitary sewage works fund, \$2,158,000.

THE COMMISSION ON REVISION OF CRIMINAL LAWS OF THE DISTRICT OF COLUMBIA

For expenses necessary to carry out title X of the Act of December 27, 1967 (81 Stat. 742, 743), establishing the Commission on Revision of the Criminal Laws of the District of Columbia, \$150,000 to remain available until expended.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided:

GENERAL OPERATING EXPENSES

General operating expenses, \$38,769,000, of which \$551,000 shall be payable from the highway fund (including \$59,000 from the motor vehicle parking account), \$85,000 from the water fund, and \$63,000 from the sanitary sewage works fund: *Provided*, That the certificates of the Commissioner (for \$2,500) and of the Chairman of the City Council (for \$2,500) shall be sufficient voucher for expenditures from this appropriation for such purposes, exclusive of ceremony expenses, as they may respectively deem necessary: *Provided further*, That, for the purpose of assessing and reassessing real property in the District of Columbia, \$5,000 of the appropriation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not in excess of \$100 per diem: *Provided further*, That not to exceed \$7,500 of this appropriation shall be available for test borings and

80 Stat. 416.

soil investigations: *Provided further*, That \$920,000 of this appropriation (to remain available until expended) shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That not to exceed \$60,000 of this appropriation shall be available for settlement of property damage claims not in excess of \$500 each and personal injury claims not in excess of \$1,000 each.

PUBLIC SAFETY

Public safety, including employment of consulting physicians, diagnosticians, and therapists at rates to be fixed by the Commissioner; cash gratuities of not to exceed \$75 to each released prisoner; purchase of one hundred and ninety-eight passenger motor vehicles (including one hundred and eighty-seven for police-type use and nine for fire-type use without regard to the general purchase price limitation for the current fiscal year but not in excess of \$400 per vehicle for police-type and \$600 per vehicle for fire-type use above such limitation) of which one hundred and eight are for replacement purposes; \$129,556,000, of which \$5,012,000 shall be payable from the highway fund (including \$112,000 from the motor vehicle parking account): *Provided*, That not to exceed \$50,000 of any funds from appropriations available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Civil Defense for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Commissioner: *Provided further*, That the Police Department and Fire Department are each authorized to replace not to exceed five passenger carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths the cost of the replacement: *Provided further*, That \$623,000 of this appropriation shall be transferred to the judiciary and disbursed by the Administrative Office of the United States Courts for expenses of the Legal Aid Agency of the District of Columbia.

EDUCATION

Education, including purchase of seventeen passenger motor vehicles of which eleven shall be for replacement only, provision of insurance, maintenance, and acceptance of not to exceed thirty passenger motor vehicles on a loan basis for exclusive use in the driver education program, the development of national defense education programs, and matching of Federal grants under the National Defense Education Act of September 2, 1958 (72 Stat. 1580), as amended, \$140,386,000, of which \$125,100 shall be payable from the highway fund: *Provided*, That certificates of the following officials shall each be sufficient voucher for expenditures from this appropriation for such purposes as they may respectively deem necessary within the amounts specified: Superintendent of Schools, \$500; President of the Federal City College, \$1,000; and President of the Washington Technical Institute, \$1,000.

Section 5533(c) of title 5, United States Code, shall not apply to compensation received by teachers of the public schools of the District of Columbia for employment in a civilian office during the period July 1, 1969, to August 31, 1969.

20 USC 401
note.

81 Stat. 637.

PARKS AND RECREATION

Parks and recreation, including the purchase, acquisition, and transportation of specimens for the National Zoological Park, \$17,406,000, of which \$32,000 shall be payable from the highway fund.

HEALTH AND WELFARE

Health and welfare, including reimbursement to the United States for services rendered to the District of Columbia by Freedmen's Hospital; purchase of eleven passenger motor vehicles, of which ten shall be for replacement only; and care and treatment of indigent patients in institutions, including those under sectarian control, under contracts to be made by the Director of Public Health; \$136,234,000: *Provided*, That the inpatient rate and outpatient rate under such contracts, with the exception of Children's Hospital, and for services rendered by Freedmen's Hospital shall not exceed \$38 per diem and the outpatient rate shall not exceed \$6 per visit; the inpatient rate and outpatient rate for Children's Hospital shall not exceed \$40 per diem and \$6.75 per visit; and the inpatient rate (excluding the proportionate share for repairs and construction) for services rendered by Saint Elizabeths Hospital for patient care shall be \$17.94 per diem: *Provided further*, That the hospital rates specified herein shall not apply, beginning July 1, 1969, to services provided to patients who are eligible for such services under the District of Columbia plan for medical assistance under Title XIX of the Social Security Act: *Provided further*, That this appropriation shall be available for the furnishing of medical assistance to individuals sixty-five years of age or older who are residing in the District of Columbia without regard to the requirement of one-year residence contained in the District of Columbia Appropriation Act, 1946, under the heading "Operating Expenses, Gallinger Municipal Hospital", and this appropriation shall also be available to render assistance to such individuals who are temporarily absent from the District of Columbia: *Provided further*, That the authorization included under the heading "Department of Public Health", in the District of Columbia Appropriation Act, 1961, for compensation of convalescent patients as an aid to their rehabilitation is hereby extended to the Department of Vocational Rehabilitation: *Provided further*, That this appropriation shall be available for the treatment, in any institution, under the jurisdiction of the Commissioner and located either within or without the District of Columbia, of individuals found by a court to be chronic alcoholics.

HIGHWAYS AND TRAFFIC

Highways and traffic, including \$141,066 for traffic safety education without reference to any other law; \$600 for membership in the American Association of Motor Vehicle Administrators and \$1,200 for membership in the Vehicle Equipment Safety Commission; rental of three passenger-carrying vehicles for use by the Commissioner, Deputy Commissioner, and Chairman of the City Council; and purchase of sixty passenger motor vehicles, of which forty-three shall be for replacement only; \$18,450,000, of which \$12,446,000 shall be payable from the highway fund (including \$674,000 from the motor vehicle parking account): *Provided*, That this appropriation shall not be available for the purchase of driver-training vehicles.

79 Stat. 343;
81 Stat. 908.
42 USC 1396-
1396g.

59 Stat. 282.
D.C. Code 32-
321.

74 Stat. 21.

SANITARY ENGINEERING

Sanitary engineering, including the purchase of twenty-seven passenger motor vehicles for replacement only, \$32,707,000, of which \$9,156,000 shall be payable from the water fund, \$7,097,000 from the sanitary sewage works fund, and \$108,000 from the metropolitan area sanitary sewage works fund.

PERSONAL SERVICES, WAGE-BOARD EMPLOYEES

For pay increases and related retirement costs for wage-board employees, to be transferred by the Commissioner of the District of Columbia to the appropriations for the fiscal year 1970 from which said employees are properly payable, \$5,201,300, of which \$207,500 shall be payable from the highway fund (including \$3,000 from the motor vehicle parking account), \$288,200 from the water fund, \$269,800 from the sanitary sewage works fund, and \$8,000 from the metropolitan area sanitary sewage works fund.

SETTLEMENT OF CLAIMS AND SUITS

For payment of property damage claims in excess of \$500 and of personal injury claims in excess of \$1,000, approved by the Commissioner in accordance with the provisions of the Act of February 11, 1929, as amended (45 Stat. 1160; 46 Stat. 500; 65 Stat. 131), \$51,000, payable from the general fund.

D.C. Code
1-902 to
1-906.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with sections 108, 217, and 402 of the Act of May 18, 1954 (68 Stat. 103, 109, and 110), as amended; section 9 of the Act of September 7, 1957 (71 Stat. 619), as amended; section 1 of the Act of June 6, 1958 (72 Stat. 183); and section 4 of the Act of June 12, 1960 (74 Stat. 211), including interest as required thereby, \$10,807,000, of which \$3,829,000 shall be payable from the highway fund, \$1,453,000 from the water fund, and \$512,000 from the sanitary sewage works fund.

D.C. Code 43-
1540, 43-1616,
7-133.
D.C. Code 2-
1727.
D.C. Code 9-
220.
D.C. Code 43-
1623.

CAPITAL OUTLAY

For reimbursement to the United States of funds loaned in compliance with section 4 of the Act of May 29, 1930 (46 Stat. 482), as amended, the Act of August 7, 1946 (60 Stat. 896), as amended, the Act of May 14, 1948 (62 Stat. 235), and payments under the Act of July 2, 1954 (68 Stat. 443); construction projects as authorized by the Acts of April 22, 1904 (33 Stat. 244), February 16, 1942 (56 Stat. 91), May 18, 1954 (68 Stat. 105, 110), June 6, 1958 (72 Stat. 183), and August 20, 1958 (72 Stat. 686); including acquisition of sites; preparation of plans and specifications; conducting preliminary surveys; erection of structures, including building improvement and alteration and treatment of grounds; to remain available until expended, \$120,682,300, of which \$3,136,000 shall be payable from the highway fund, \$1,175,000 from the water fund, and \$12,268,000 from the sanitary sewage works fund: *Provided*, That \$5,250,000 of this appropriation shall be available for capital outlay for the District of Columbia Department of Corrections: *Provided further*, That

71 Stat. 611.
40 USC 129a-
130a.

D.C. Code 43-
1510, 40-
804, 7-132,
7-133.

\$15,024,000 of this appropriation shall not be available for expenditure until July 1, 1970: *Provided further*, That \$11,593,000 shall be available for construction services by the Director of Buildings and Grounds or by contract for architectural engineering services, as may be determined by the Commissioner, and the funds for the use of the Director of Buildings and Grounds shall be advanced to the appropriation account, "Construction services, Department of Buildings and Grounds".

GENERAL PROVISIONS

Vouchers.

SEC. 2. Except as otherwise provided herein, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official without countersignature.

Maximum amount.

SEC. 3. Whenever in this Act an amount is specified within an appropriation for particular purposes or object of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount which may be expended for said purpose or object rather than an amount set apart exclusively therefor.

Automobile allowances.

SEC. 4. Appropriations in this Act shall be available, when authorized or approved by the Commissioner, for allowances for privately owned automobiles used for the performance of official duties at 10 cents per mile but not to exceed \$35 a month for each automobile, unless otherwise therein specifically provided, except that one hundred and sixty-three (fifty for investigators in the Department of Public Welfare and eighteen for venereal disease investigators in the Department of Public Health) such allowances at not more than \$550 each per annum may be authorized or approved by the Commissioner.

Travel expenses.

SEC. 5. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Commissioner: *Provided*, That the total expenditures for this purpose shall not exceed \$122,700.

SEC. 6. Appropriations in this Act shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 7. The disbursing officials designated by the Commissioner are authorized to advance to such officials as may be approved by the Commissioner such amounts and for such purposes as he may determine.

Taxicabs.

SEC. 8. Appropriations in this Act shall not be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Service Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Service Commission.

SEC. 9. Appropriations in this Act shall not be available for the payment of rates for electric current for street lighting in excess of 2 cents per kilowatt-hour for current consumed.

Vehicle use.

SEC. 10. All passenger motor vehicles (including watercraft) owned by the District of Columbia shall be operated and utilized in conformity with section 16 of the Act of August 2, 1946 (60 Stat. 810), and shall be under the direction and control of the Commissioner,

who may from time to time alter or change the assignment for use thereof or direct the alteration of interchangeable use of any of the same by officers and employees of the District, except as otherwise provided in this Act. "Official purposes" as used in the section 16 shall not apply to the Commissioner, the Deputy Commissioner, and the Chairman of the City Council of the District of Columbia or in cases of officers and employees the character of whose duties makes such transportation necessary, but only as to such latter cases when approved by the Commissioner.

SEC. 11. Appropriations contained in this Act for highways and traffic and sanitary engineering shall be available for snow and ice control work when ordered by the Commissioner in writing.

SEC. 12. Appropriations in this Act shall be available, when authorized by the Commissioner, for the rental of quarters without reference to section 6 of the District of Columbia Appropriation Act, 1945.

SEC. 13. Appropriations in this Act shall be available for the furnishing of uniforms when authorized by the Commissioner.

SEC. 14. There are hereby appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments which have been entered against the government of the District of Columbia, including refunds authorized by section 10 of the Act approved April 23, 1924 (43 Stat. 108) : *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of paragraph 3, subsection (c) of section 11 of title XII of the District of Columbia Income and Franchise Tax Act of 1947, as amended.

SEC. 15. Except as otherwise provided herein, limitations and legislative provisions contained in the District of Columbia Appropriation Act, 1961, shall be applicable during the current fiscal year: *Provided*, That the limitation for "Construction Services, Department of Buildings and Grounds" shall, during the current fiscal year, be 10 per centum of appropriations for all construction projects: *Provided further*, That during the current fiscal year, the limitation with respect to a central heating system, under the heading "Department of Sanitary Engineering", shall not be applicable.

SEC. 16. Appropriations in this Act shall not be used for the assignment or transportation of students to public schools in the District of Columbia in order to overcome racial imbalance.

SEC. 17. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of subsection (b) of section 5 of the District of Columbia Public Assistance Act of 1962 and for the non-Federal share of funds necessary to qualify for Federal assistance under the Act of July 31, 1968 (Public Law 90-445).

SEC. 18. No part of any appropriation contained in this Act shall remain available for obligation beyond the current year unless expressly so provided herein.

This Act may be cited as the "District of Columbia Appropriation Act, 1970".

Approved December 24, 1969.

60 Stat. 810.
31 USC 638a.

Snow and ice
control.

Rental of
quarters.

58 Stat. 532.
D.C. Code 1-
243.
Uniforms.
Judgment pay-
ments.

D.C. Code 47-
1910.

70 Stat. 78.
D.C. Code 47-
1586j.

74 Stat. 17.

Restriction.

76 Stat. 915.
D.C. Code 3-
204.
82 Stat. 462.
42 USC 3801-
3890.

Short title.

Public Law 91-156

December 24, 1969
[H. R. 7491]

National banks.
Taxation by
States.

AN ACT
To clarify the liability of national banks for certain taxes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

§ 1. Temporary amendment of section 5219, Revised Statutes

(a) Section 5219 of the Revised Statutes (12 U.S.C. 548) is amended by adding at the end thereof the following:

“(5). (a) In addition to the other methods of taxation authorized by the foregoing provisions of this section and subject to the limitations and restrictions specifically set forth in such provisions, a State or political subdivision thereof may impose any tax which is imposed generally on a nondiscriminatory basis throughout the jurisdiction of such State or political subdivision (other than a tax on intangible personal property) on a national bank having its principal office within such State in the same manner and to the same extent as such tax is imposed on a bank organized and existing under the laws of such State.

“(b) Except as otherwise herein provided, the legislature of each State may impose, and may authorize any political subdivision thereof to impose, the following taxes on a national bank not having its principal office located within the jurisdiction of such State, if such taxes are imposed generally throughout such jurisdiction on a nondiscriminatory basis:

“(1) Sales taxes and use taxes complementary thereto upon purchases, sales, and use within such jurisdiction.

“(2) Taxes on real property or on the occupancy of real property located within such jurisdiction.

“(3) Taxes (including documentary stamp taxes) on the execution, delivery, or recordation of documents within such jurisdiction.

“(4) Taxes on tangible personal property (not including cash or currency) located within such jurisdiction.

“(5) License, registration, transfer, excise, or other fees or taxes imposed on the ownership, use, or transfer of tangible personal property located within such jurisdiction.

“(c) No sales tax or use tax complementary thereto shall be imposed pursuant to this paragraph 5 upon purchases, sales, and use within the taxing jurisdiction of tangible personal property which is the subject matter of a written contract of purchase entered into by a national bank prior to September 1, 1969.

“(d) As used in this paragraph 5, the term ‘State’ means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.”

(b) The amendment made by subsection (a) of this section shall be effective from the date of enactment of this Act until the effective date of the amendment made by section 2(a) of this Act.

§ 2. Permanent amendment of section 5219, Revised Statutes

(a) Section 5219 of the Revised Statutes (12 U.S.C. 548) is amended to read:

“Sec. 5219. For the purposes of any tax law enacted under authority of the United States or any State, a national bank shall be treated as a bank organized and existing under the laws of the State or other jurisdiction within which its principal office is located.”

(b) The amendment made by subsection (a) becomes effective on January 1, 1972.

“State.”

Effective
date.

Effective
date.

§ 3. Saving provision

(a) Except as provided in subsection (b) of this section, prior to January 1, 1972, no tax may be imposed on any class of banks by or under authority of any State legislation in effect prior to the enactment of this Act unless

(1) the tax was imposed on that class of banks prior to the enactment of this Act, or

(2) the imposition of the tax is authorized by affirmative action of the State legislature after the enactment of this Act.

(b) The prohibition of subsection (a) of this section does not apply to

(1) any sales tax or use tax complementary thereto,

(2) any tax (including a documentary stamp tax) on the execution, delivery, or recordation of documents, or

(3) any tax on tangible personal property (not including cash or currency), or for any license, registration, transfer, excise or other fee or tax imposed on the ownership, use or transfer of tangible personal property,

imposed by a State which does not impose a tax, or an increased rate of tax, in lieu thereof.

§ 4. Study by Board of Governors of the Federal Reserve System

(a) The Board of Governors of the Federal Reserve System (hereinafter referred to as the "Board") shall make a study to determine the probable impact on the banking systems and other economic effects of the changes in existing law to be made by section 2 of this Act governing income taxes, intangible property taxes, so-called doing business taxes, and any other similar taxes which are or may be imposed on banks. In conducting the study the Board shall consult with the Secretary of the Treasury and appropriate State banking and taxing authorities.

(b) The Board shall make a report of the results of its study to the Congress not later than December 31, 1970. The report shall include the Board's recommendations as to what additional Federal legislation, if any, may be needed to reconcile the promotion of the economic efficiency of the banking systems of the Nation with the achievement of effectiveness and local autonomy in meeting the fiscal needs of the States and their political subdivisions.

Report to
Congress.

Approved December 24, 1969.

Public Law 91-157

AN ACT

To amend section 510 of the International Claims Settlement Act of 1949 to extend the time within which the Foreign Claims Settlement Commission is required to complete its affairs in connection with the settlement of claims against the Government of Cuba.

December 24, 1969
[H. R. 11711]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 510 of the International Claims Settlement Act of 1949 (22 U.S.C. 1643i) is amended to read as follows:

"SEC. 510. The Commission shall complete its affairs in connection with the settlement of claims pursuant to this title not later than July 6, 1972."

Cuba.
Claims
settlement.
78 Stat. 1112;
80 Stat. 1365.

Approved December 24, 1969.

Public Law 91-158

December 24, 1969
[S. J. Res. 54]

Interstate oil
and gas con-
servation com-
pact.
Extension and
renewal.

49 Stat. 939.

81 Stat. 560.

JOINT RESOLUTION

Consenting to an extension and renewal of the interstate compact to conserve oil and gas.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to an extension and renewal for a period of two years from September 1, 1969, to September 1, 1971, of the interstate compact to conserve oil and gas, which was signed in the city of Dallas, Texas, the 16th day of February, 1935, by the representatives of Oklahoma, Texas, California, and New Mexico, and at the same time and place was signed by the representatives, as a recommendation for approval to the Governors and Legislatures of the States of Arkansas, Colorado, Illinois, Kansas, and Michigan, and which prior to August 27, 1935, was presented to and approved by the Legislatures and Governors of the States of New Mexico, Kansas, Oklahoma, Illinois, Colorado, and Texas, and which so approved by the six States last above-named was deposited in the Department of State of the United States, and thereafter was consented to by the Congress in Public Resolution Numbered 64, Seventy-fourth Congress, approved August 27, 1935, for a period of two years, and thereafter was extended by the representatives of the compacting States and consented to by the Congress for successive periods, without interruption, the last extension being for the period from September 1, 1967, to September 1, 1969, consented to by Congress by Public Law Numbered 90-185, Ninetieth Congress, approved December 11, 1967. The agreement to extend and renew said compact for a period of four years from September 1, 1967, to September 1, 1971, duly executed by representatives of the States of Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming, has been deposited in the Department of State of the United States, and reads as follows:

**"AN AGREEMENT TO EXTEND THE INTERSTATE
COMPACT TO CONSERVE OIL AND GAS**

"Whereas, on the 16th day of February, 1935, in the City of Dallas, Texas, there was executed 'An Interstate Compact to Conserve Oil and Gas' which was thereafter formally ratified and approved by the States of Oklahoma, Texas, New Mexico, Illinois, Colorado, and Kansas, the original of which is now on deposit with the Department of State of the United States, a true copy of which follows:

**"AN INTERSTATE COMPACT TO CONSERVE OIL
AND GAS**

"ARTICLE I

"This agreement may become effective within any compacting state at any time as prescribed by that state, and shall become effective within those states ratifying it whenever any three of the States of Texas, Oklahoma, California, Kansas, and New Mexico have ratified and Congress has given its consent. Any oil-producing state may become a party hereto as hereinafter provided.

“‘ARTICLE II

“The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

“‘ARTICLE III

“Each state bound hereby agrees that within a reasonable time it will enact laws, or if the laws have been enacted, then it agrees to continue the same in force, to accomplish within reasonable limits the prevention of:

- “(a) The operation of any oil well with an inefficient gas-oil ratio.
- “(b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas, in paying quantities.
- “(c) The avoidable escape into the open air or the wasteful burning of gas from a natural gas well.
- “(d) The creation of unnecessary fire hazards.
- “(e) The drilling, equipping, locating, spacing or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.
- “(f) The inefficient, excessive or improper use of the reservoir energy in producing any well.

“The enumeration of the foregoing subjects shall not limit the scope of the authority of any state.

“‘ARTICLE IV

“Each state bound hereby agrees that it will, within a reasonable time, enact statutes, or if such statutes have been enacted then that it will continue the same in force, providing in effect that oil produced in violation of its valid oil and/or gas conservation statutes or any valid rule, order or regulation promulgated thereunder, shall be denied access to commerce; and providing for stringent penalties for the waste of either oil or gas.

“‘ARTICLE V

“It is not the purpose of this compact to authorize the states joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

“‘ARTICLE VI

“Each State joining herein shall appoint one representative to a commission hereby constituted and designated as “The Interstate Oil Compact Commission”, the duty of which said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said commission deems beneficial it shall report its findings and recommendations to the several States for adoption or rejection.

“The Commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said states, and to recommend measures for the maximum ultimate recovery of oil and gas. Said Commission shall organize and adopt suitable rules and regulations for the conduct of its business.

“No action shall be taken by the Commission except: (1) by the affirmative votes of the majority of the whole number of compacting States represented at any meeting, and (2) by a concurring vote of a majority in interest of the compacting States at said meeting, such interest to be determined as follows: such vote of each State shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half-year to the daily average production of the compacting States during said period.

“ARTICLE VII

“No State by joining herein shall become financially obligated to any other State, nor shall the breach of the terms hereof by any State subject such State to financial responsibility to the other States joining herein.

“ARTICLE VIII

“This compact shall expire September 1, 1937. But any State joining herein may, upon sixty (60) days notice, withdraw herefrom.

“The representatives of the signatory States have signed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States, and a duly certified copy shall be forwarded to the Governor of each of the signatory states.

“This compact shall become effective when ratified and approved as provided in Article I. Any oil-producing State may become a party hereto by affixing its signature to a counterpart to be similarly deposited, certified, and ratified.’

“Whereas, the said Interstate Compact to Conserve Oil and Gas has heretofore been duly renewed and extended with the consent of the Congress to September 1, 1967; and

“Whereas, it is desired to renew and extend the said Interstate Compact to Conserve Oil and Gas for a period of four (4) years from September 1, 1967, to September 1, 1971:

“Now, therefore, this writing witnesseth:

“It is hereby agreed that the Compact entitled ‘An Interstate Compact To Conserve Oil and Gas’ executed in the City of Dallas, Texas, on the 16th day of February, 1935, and now on deposit with the Department of State of the United States, a correct copy of which appears above, be, and the same hereby is, extended for a period of four (4) years from September 1, 1967, its present date of expiration, to September 1, 1971. This agreement shall become effective when executed, ratified, and approved as provided in Article I of the original Compact.

“The signatory States have executed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States and a duly certified copy thereof shall

be forwarded to the Governor of each of the signatory States. Any oil-producing state may become a party hereto by executing a counterpart of this agreement to be similarly deposited, certified, and ratified.

“Executed by the several undersigned states, at their several state capitols, through their proper officials on the dates as shown, as duly authorized by statutes and resolutions, subject to the limitations and qualifications of the acts of the respective State Legislatures.

“THE STATE OF ALABAMA

“By GEORGE C. WALLACE, Governor

“Dated: Aug. 11, 1966

“Attest: MRS. AGNES BAGGETT, Secretary of State (Seal)

“THE STATE OF ALASKA

“By WILLIAM A. EGAN, Governor

“Dated: July 13, 1966

“Attest: HUGH J. WADE, Secretary of State (Seal)

“THE STATE OF ARIZONA

“By SAMUEL P. GODDARD, Governor

“Dated: March 8, 1966

“Attest: WESLEY BOLIN, Secretary of State (Seal)

“THE STATE OF ARKANSAS

“By ORVAL E. FAUBUS, Governor

“Dated: May 3, 1966

“Attest: KELLY BRYANT, Secretary of State (Seal)

“THE STATE OF COLORADO

“By JOHN A. LOVE, Governor

“Dated: January 13, 1966

“Attest: BYRON A. ANDERSON, Secretary of State (Seal)

“THE STATE OF FLORIDA

“By HAYDON BURNS, Governor

“Dated: June 28, 1966

“Attest: TOM DAVIS, Secretary of State (Seal)

“THE STATE OF ILLINOIS

“By OTTO KERNER, Governor

“Dated: January 24, 1966

“Attest: PAUL POWELL, Secretary of State (Seal)

“THE STATE OF INDIANA

“By RODGER D. BRANIGIN, Governor

“Dated: May 31, 1966

“Attest: JOHN D. BOTTORFF, Secretary of State (Seal)

“THE STATE OF KANSAS

“By Wm. H. AVERY, Governor

“Dated: December 1, 1965

“Attest: PAUL R. SHANAHAN, Secretary of State (Seal)

“THE STATE OF KENTUCKY

“By EDWARD T. BREATHITT, Governor

“Dated: 6-6-66

“Attest: THELMA L. STOVALL, Secretary of State (Seal)

“THE STATE OF LOUISIANA

“By JOHN J. McKEITHEN, Governor

“Dated: November 22, 1965

“Attest: WADE O. MARTIN, Jr., Secretary of State (Seal)

- “THE STATE OF MARYLAND
“By J. MILLARD TAWES, Governor
“Dated: October 10, 1966
“Attest: LLOYD L. SIMPKINS, Secretary of State (Seal)
- “THE STATE OF MICHIGAN
“By GEORGE ROMNEY, Governor
“Dated: 5/19/66
“Attest: JAMES M. HARE, Secretary of State (Seal)
- “THE STATE OF MISSISSIPPI
“By PAUL B. JOHNSON, Governor
“Dated: April 27, 1966
“Attest: HEBER LADNER, Secretary of State (Seal)
- “THE STATE OF MONTANA
“By TIM BABCOCK, Governor
“Dated: Feb. 14, 1966
“Attest: FRANK MURRAY, Secretary of State (Seal)
- “THE STATE OF NEBRASKA
“By FRANK B. MORRISON, Governor
“Dated: Jan. 31, 1966
“Attest: FRANK MARSH, Secretary of State (Seal)
- “THE STATE OF NEVADA
“By GRANT SAWYER, Governor
“Dated: June 17, 1966
“Attest: JOHN KOONTZ, Secretary of State (Seal)
- “THE STATE OF NEW MEXICO
“By JACK M. CAMPBELL, Governor
“Dated: Nov. 8, 1965
“Attest: ALBERTA MILLER, Secretary of State (Seal)
- “THE STATE OF NEW YORK
“By NELSON A. ROCKEFELLER, Governor
“Dated: Nov. 28, 1966
“Attest: JOHN P. LOMENZO, Secretary of State (Seal)
- “THE STATE OF NORTH DAKOTA
“By WILLIAM L. GUY, Governor
“Dated: Dec. 19, 1966
“Attest: BEN MEIER, Secretary of State (Seal)
- “THE STATE OF OHIO
“By JAMES A. RHODES, Governor
“Dated: July 25, 1966
“Attest: TED W. BROWN, Secretary of State (Seal)
- “THE STATE OF OKLAHOMA
“By HENRY BELLMON, Governor
“Dated: November 15, 1965
“Attest: JAMES M. BULLARD, Secretary of State (Seal)
- “THE COMMONWEALTH OF PENNSYLVANIA
“By WILLIAM W. SCRANTON, Governor
“Dated: Sept. 16, 1966
“Attest: W. STUART HELM, Secretary of the Commonwealth
(Seal)

"THE STATE OF SOUTH DAKOTA

"By NILS A. BOE, Governor

"Dated: Sept. 26, 1966

"Attest: ALMA LARSON, Secretary of State (Seal)

"THE STATE OF TENNESSEE

"By FRANK G. CLEMENT, Governor

"Dated: 4-18-66

"Attest: JOE C. CARR, Secretary of State (Seal)

"THE STATE OF TEXAS

"By JOHN CONNALLY, Governor

"Dated: October 11, 1965

"Attest: CRAWFORD C. MARTIN, Secretary of State (Seal)

"THE STATE OF UTAH

"By CALVIN L. RAMPTON, Governor

"Dated: 4/11/66

"Attest: CLYDE L. MILLER, Secretary of State (Seal)

"THE STATE OF WEST VIRGINIA

"By HULETT C. SMITH, Governor

"Dated: July 14, 1966

"Attest: ROBERT D. BAILEY, Secretary of State (Seal)

"THE STATE OF WYOMING

"By CLIFFORD P. HANSEN, Governor

"Dated: Jan. 18, 1966

"Attest: THYRA THOMSON, Secretary of State" (Seal)

SEC. 2. The Attorney General of the United States shall continue to make an annual report to Congress, as provided in section 2 of Public Law 185, Eighty-fourth Congress, for the duration of the Interstate Compact to Conserve Oil and Gas as to whether or not the activities of the States under the provisions of such compact have been consistent with the purposes as set out in article V of such compact.

SEC. 3. The right to alter, amend, or repeal the provisions of the first section of this joint resolution is hereby expressly reserved.

Approved December 24, 1969.

Report to
Congress.

69 Stat. 391.

Public Law 91-159

AN ACT

Granting the consent of Congress to the Connecticut-New York Railroad Passenger Transportation Compact.

December 24, 1969

[S. 2734]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the Connecticut-New York Railroad Passenger Transportation Compact in substantially the following form:

Connecticut-
New York
Railroad
Passenger
Transportation
Compact.
Consent of
Congress.

"CONNECTICUT-NEW YORK RAILROAD PASSENGER TRANSPORTATION COMPACT

"ARTICLE I

"For the purpose of continuing and improving the railroad passenger service of the New York, New Haven and Hartford Railroad (and its successors) between the city of New Haven in the state of Connecticut and the city of New York in the state of New York, including branch

lines which are tributary to the main line of that railroad between the said cities; Metropolitan Transportation Authority, a governmental corporation of the state of New York, and Connecticut Transportation Authority, an agency of the state of Connecticut, acting individually, but in cooperation with each other, or as co-venturers where they deem it advisable and practical, are hereby authorized to do the following where permissible under the enabling laws of their respective states:

“(a) to acquire through eminent domain proceedings, or by gift, purchase, lease or otherwise, the ownership interest in or the right to use all of those assets of the said railroad (or of any successor in interest to such assets), be they real property, personal property or a combination of the two (including rights arising out of contract, franchise or otherwise), which are or may reasonably be expected to become necessary, convenient or desirable for the continuation or improvement of such service;

“(b) to repair and rehabilitate such assets, or to acquire by gift, purchase, lease, or otherwise, such new or additional assets and rights as they deem necessary, convenient or desirable for such continuation or improvement;

“(c) to dispose of any such assets, new and additional assets and rights, or of the right to the use of the same, by conveyance, lease or otherwise (including, without limitation, the grant of trackage rights) when and to the extent that they are not needed for such service by the said agencies; and to abandon or discontinue portions of such service when advisable; and/or

“(d) to operate such service, or to contract for the operation of the whole or any part of such service by others.

“To accomplish the foregoing objectives, the said agencies are authorized, individually and jointly, to apply for aid, federal, state or local, to supplement those funds appropriated or otherwise made available to them under the laws of the party states.

“ARTICLE II

“The provisions of this compact shall be construed liberally to effectuate the purposes thereof. Amendments and supplements to this compact to implement the purposes thereof may be adopted by concurrent legislation of the party states.

“ARTICLE III

“This compact shall be of no force and effect unless and until the congress of the United States of America, on or before December thirty-first, nineteen hundred sixty-nine, has consented thereto.”

SEC. 2. The consent herein granted does not constitute consent in advance for any amendments or supplements to the compact which may be adopted by concurrent legislation of the party States pursuant to article II of the compact.

SEC. 3. The right is hereby reserved by the Congress or any of its standing committees to require the disclosure and the furnishing of such information and data by or concerning the Metropolitan Transportation Authority and the Connecticut Transportation Authority in their operation under the compact as is deemed appropriate by the Congress or such committee.

SEC. 4. The right to alter, amend, or repeal this Act is expressly reserved.

Approved December 24, 1969.

Public Law 91-160

JOINT RESOLUTION

To enable the United States to organize and hold a diplomatic conference in the United States in fiscal year 1970 to negotiate a Patent Cooperation Treaty and authorize an appropriation therefor.

December 24, 1969
[S. J. Res. 90]

Whereas all countries issuing patents, and especially countries such as the United States having an examination system, deal with large and constantly growing numbers of patent applications of increasing complexity; and

Whereas in any one country a considerable number of patent applications duplicate or substantially duplicate applications relating to the same inventions in other countries, thereby increasing further the volume of applications to be processed; and

Whereas a resolution of the difficulties attendant upon duplications in filings and examination would result in more economical, quicker, and more effective protection for inventions throughout the world thus benefiting inventors, the general public, and government; and

Whereas a treaty for international patent cooperation providing a central filing, search and examination system should provide a practicable means of resolving the difficulties arising out of the duplications in the filing and examination of patent applications; and

Whereas governments concerned with international patent problems have spent a number of years in consultation and in the development of a draft treaty for international patent cooperation to alleviate these problems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State and the Secretary of Commerce, in consultation with other concerned departments and agencies, are authorized to take all necessary steps to organize and hold a diplomatic conference to negotiate a Patent Cooperation Treaty in Washington, District of Columbia, in fiscal year 1970.

Patent
Cooperation
Treaty,
conference to
negotiate.

SEC. 2. There is authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated, a sum not to exceed \$175,000 for the purpose of defraying the expenses incident to organizing and holding such an international conference. Funds appropriated pursuant to this authorization shall be available for expenses incurred on behalf of the United States as host government, including without limitation personal services without regard to civil service and classification laws, except that no salary rate shall exceed the maximum rate payable under section 5332 of title 5, United States Code; employment of aliens, printing and binding without regard to the provisions of any other law; travel expenses without regard to the Standardized Government Travel Regulations and to the rates of per diem allowances in lieu of subsistence expenses under section 5707 of title 5, United States Code; rent or lease of facilities in the District of Columbia or elsewhere by contract or otherwise; hire of passenger motor vehicles; and official functions and courtesies.

Appropriation.

5 USC 5332
note.

SEC. 3. The Secretary of State and the Secretary of Commerce, or either of them, are authorized to accept and use contributions of funds, property, services, and facilities for the purpose of organizing and holding such an international conference. For the purpose of Federal

80 Stat. 500;
Ante, p. 190.

Contributions
of funds,
property, etc.

Assistance
by other
Government
agencies.

income, estate, and gift taxes, any gift, devise, or bequest accepted by the Secretary of State or the Secretary of Commerce under authority of this Act shall be deemed to be a gift, devise, or bequest to or for the use of the United States.

SEC. 4. The head of any department, agency, or establishment of the United States is authorized on request, to assist with or without reimbursement the Department of State and the Department of Commerce in carrying out the functions herein authorized, including the furnishing of personnel and facilities.

Approved December 24, 1969.

Public Law 91-161

December 24, 1969
[S. 3169]

AN ACT

To amend the Atomic Energy Act of 1954, as amended, and for other purposes.

Atomic Energy
Act of 1954,
amendment.
78 Stat. 376.
42 USC 2183.

68 Stat. 958.
42 USC 2272.

Restricted
data.
42 USC 2274-
2276.

Enforcement.
70 Stat. 1070.
42 USC 2271-
2281.

68 Stat. 930.
42 USC 2073,
2077, 2092,
2093, 2111,
2112, 2131,
2133, 2134,
2137, 2139.
42 USC 2236.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Subsection 153h. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

“h. The provisions of this section shall apply to any patent the application for which shall have been filed before September 1, 1974.”

SEC. 2. Section 222 of the Atomic Energy Act of 1954, as amended, is amended by striking out “imprisonment for not more than five years” and inserting in lieu thereof “imprisonment for not more than ten years”.

SEC. 3. (a) Section 222 of the Atomic Energy Act of 1954, as amended, is amended by striking out “death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than \$20,000 or by imprisonment for not more than twenty years, or both” and inserting in lieu thereof “imprisonment for life, or by imprisonment for any term of years or a fine of not more than \$20,000 or both”.

(b) Sections 224, 225, and 226 of the Atomic Energy Act of 1954, as amended, are each amended by striking out “death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than \$20,000 or imprisonment for not more than twenty years, or both” and inserting in lieu thereof “imprisonment for life, or by imprisonment for any term of years or a fine of not more than \$20,000 or both”.

SEC. 4. Chapter 18 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new section:

“SEC. 234. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF LICENSING REQUIREMENTS.—

“(a) Any person who (1) violates any licensing provision of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 or any rule, regulation, or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or (2) commits any violation for which a license may be revoked under section 186, shall be subject to a civil penalty, to be imposed by the Commission, of not to exceed \$5,000 for each such violation: *Provided*, That in no event shall the total penalty payable by any person exceed \$25,000 for all violations by such person occurring within any period of thirty consecutive days. If any violation is a continuing one, each day of such violation shall constitute a separate violation for the purpose of computing the applicable civil penalty. The Commission shall have the power to compromise, mitigate, or remit such penalties.

“b. Whenever the Commission has reason to believe that a person has become subject to the imposition of a civil penalty under the provisions of this section, it shall notify such person in writing (1) setting forth the date, facts, and nature of each act or omission with which the person is charged, (2) specifically identifying the particular provision or provisions of the section, rule, regulation, order, or license involved in the violation, and (3) advising of each penalty which the Commission proposes to impose and its amount. Such written notice shall be sent by registered or certified mail by the Commission to the last known address of such person. The person so notified shall be granted an opportunity to show in writing, within such reasonable period as the Commission shall by regulation prescribe, why such penalty should not be imposed. The notice shall also advise such person that upon failure to pay the civil penalty subsequently determined by the Commission, if any, the penalty may be collected by civil action.

Written notification.

“c. On the request of the Commission, the Attorney General is authorized to institute a civil action to collect a penalty imposed pursuant to this section. The Attorney General shall have the exclusive power to compromise, mitigate, or remit such civil penalties as are referred to him for collection.”

Civil action.

SEC. 5. Subsection 221 c. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

68 Stat. 958.
42 USC 2271.

“c. No action shall be brought against any individual or person for any violation under this Act unless and until the Attorney General of the United States has advised the Commission with respect to such action and no such action shall be commenced except by the Attorney General of the United States: *Provided, however,* That no action shall be brought under section 222, 223, 224, 225, or 226 except by the express direction of the Attorney General: *And provided further,* That nothing in this subsection shall be construed as applying to administrative action taken by the Commission.”

42 USC 2272-
2276.

SEC. 6. Section 223 of the Atomic Energy Act of 1954, as amended, is amended by adding the word “criminal” before the word “penalty”.

SEC. 7. The amendments contained in sections 2 and 3 of this Act shall apply only to offenses under sections 222, 224, 225, and 226 which are committed on or after the date of enactment of this Act. Nothing in section 2 or 3 of this Act shall affect penalties authorized under existing law for offenses under section 222, 224, 225, or 226 of the Atomic Energy Act of 1954, as amended, committed prior to the date of enactment of this Act.

Approved December 24, 1969.

Public Law 91-162

AN ACT

To waive the acreage limitations of section 1(b) of the Act of June 14, 1926, as amended, with respect to conveyance of lands to the State of Nevada for inclusion in the Valley of Fire State Park.

December 24, 1969
[S. 1108]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the acreage limitations on conveyances in any one calendar year set forth in section 1(b) of the Act of June 14, 1926, as amended (43 U.S.C. 869(b)) shall not apply to or be affected by any conveyances of lands for inclusion in the Valley of Fire State Park made under that Act to the State of Nevada.

Valley of Fire
State Park,
Nev.
73 Stat. 571.

Approved December 24, 1969.

Public Law 91-163

December 24, 1969
[H. J. Res. 10]

Volunteers of
America Week.
Proclamation.

JOINT RESOLUTION

Authorizing the President to proclaim the second week of March, 1970, as Volunteers of America Week.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the second week of March 1970 as Volunteers of America Week, and urging the people of the United States to express their gratitude for the untiring and selfless work of the Volunteers of America, and to continue their support of its humanitarian activities.

Approved December 24, 1969.

Public Law 91-164

December 24, 1969
[H. R. 4244]

Administrative
Conference of
the U.S.
80 Stat. 391.

AN ACT

To raise the ceiling on appropriations of the Administrative Conference of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 576 of title 5, United States Code, is amended to read as follows:

“§ 576. Appropriations

“There are authorized to be appropriated sums necessary, not in excess of \$450,000 per annum, to carry out the purposes of this sub-chapter.”

Approved December 24, 1969.

Public Law 91-165

December 26, 1969
[S. 59]

U.S. Army
Installations.
Jurisdiction,
adjustment.

AN ACT

To authorize the Secretary of the Army to adjust the legislative jurisdiction exercised by the United States over lands within the Army National Guard Facility, Ethan Allen, and the United States Army Materiel Command Firing Range, Underhill, Vermont.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of law, the Secretary of the Army may, at such times as he may deem desirable, relinquish to the State of Vermont all, or such portion as he may deem desirable for relinquishment, of the jurisdiction heretofore acquired by the United States over any land within the Army National Guard Facility, Ethan Allen, and the United States Army Materiel Command Firing Range, Chittenden County, Vermont, reserving to the United States such concurrent or partial jurisdiction as he may deem necessary. Relinquishment of jurisdiction under authority of this Act may be made by filing with the Governor of the State of Vermont a notice of such relinquishment, which shall take effect upon acceptance thereof by the State of Vermont in such manner as its laws may prescribe.

Approved December 26, 1969.

Public Law 91-166

AN ACT

Making supplemental appropriations for the fiscal year ending June 30, 1970,
and for other purposes.

December 26, 1969
[H. R. 15209]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this Act may be cited as the "Supplemental Appropriation Act, 1970") for the fiscal year ending June 30, 1970, and for other purposes, namely:

Supplemental
Appropriation
Act, 1970.

CHAPTER I

DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

FLOOD PREVENTION

For an additional amount for "Flood prevention", for emergency measures for runoff retardation and soil erosion prevention, as provided by section 216 of the Flood Control Act of 1950 (33 U.S.C. 701 b-1), \$3,700,000, to remain available until expended.

64 Stat. 184.

RELATED AGENCY

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

In addition to the amount made available under this heading for administrative expenses during the current fiscal year, \$211,000 shall be available from assessments for such expenses, including the hire of one passenger motor vehicle.

CHAPTER II

INDEPENDENT OFFICES

CIVIL SERVICE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$430,000, for necessary expenses of the retirement and insurance programs, to be transferred from the trust funds "Civil Service retirement and disability fund", "Employees life insurance fund", "Employees health benefits fund", and "Retired employees health benefits fund", in such amounts as may be determined by the Civil Service Commission.

FEDERAL LABOR RELATIONS COUNCIL

SALARIES AND EXPENSES

For expenses necessary to carry out functions of the Civil Service Commission under Executive Order No. 11491 of October 29, 1969, \$300,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation

34 F.R. 17605.

80 Stat. 499;
Ante, p. 190.

at the rate of not to exceed \$100 per day when engaged in the performance of the Panel's duties.

COMMISSION ON GOVERNMENT PROCUREMENT

SALARIES AND EXPENSES

For necessary expenses of the Commission on Government Procurement, \$700,000, to remain available until June 30, 1972.

NATIONAL COMMISSION ON CONSUMER FINANCE

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of Title IV of the Act of May 29, 1968 (Public Law 90-321), \$375,000.

82 Stat. 164.
15 USC 1601
note.

CHAPTER III

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", \$1,250,000.

BUREAU OF INDIAN AFFAIRS

EDUCATION AND WELFARE SERVICES

For an additional amount for "Education and welfare services", \$6,000,000.

OFFICE OF TERRITORIES

TRUST TERRITORY OF THE PACIFIC ISLANDS

For an additional amount for "Trust Territory of the Pacific Islands", \$7,500,000, to remain available until expended.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, investigations, and research", \$700,000.

BUREAU OF MINES

HEALTH AND SAFETY

For an additional amount for expenses necessary to improve health and safety in the Nation's coal mines, \$12,000,000: *Provided*, That this paragraph shall be effective only upon the enactment into law of S. 2917, 91st Congress.

Post, p. 742.

BUREAU OF SPORT FISHERIES AND WILDLIFE

MANAGEMENT AND INVESTIGATIONS OF RESOURCES

For an additional amount for "Management and investigations of resources", \$310,000.

CONSTRUCTION

For an additional amount for "Construction", \$2,300,000, to remain available until expended.

NATIONAL PARK SERVICE**MANAGEMENT AND PROTECTION**

For an additional amount for "Management and Protection", \$50,000.

MAINTENANCE AND REHABILITATION OF PHYSICAL FACILITIES

For an additional amount for "Maintenance and Rehabilitation of Physical Facilities", \$50,000, for reconstruction of certain streets in Harpers Ferry, West Virginia.

RELATED AGENCIES**DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE****HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION****INDIAN HEALTH SERVICES**

For an additional amount for "Indian Health Services", \$2,048,000.

CONSTRUCTION OF INDIAN HEALTH FACILITIES

For an additional amount for "Indian Health Facilities", \$1,952,000, to remain available until expended.

NATIONAL COUNCIL ON INDIAN OPPORTUNITY**SALARIES AND EXPENSES**

For expenses necessary for the National Council on Indian Opportunity, including services as authorized by 5 U.S.C. 3109, \$286,000.

Ante, p. 220.
80 Stat. 416.

SMITHSONIAN INSTITUTION**THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS**

For additional expenses, not otherwise provided, necessary to enable the Board of Trustees of the John F. Kennedy Center for the Performing Arts to carry out the purposes of the Act of September 2, 1958 (72 Stat. 1698), as amended, including construction, to remain available until expended, such amounts which in the aggregate will equal gifts, bequests, and devises of money, securities and other property received by the Board for the benefit of the John F. Kennedy Center for the Performing Arts under such Act, not to exceed \$7,500,000.

Ante, p. 135.

CHAPTER IV**DEPARTMENT OF LABOR****WAGE AND LABOR STANDARDS ADMINISTRATION**

Ante, p. 96.
For expenses necessary to implement the Federal Construction Safety Act of 1969 (Public Law 91-54), \$1,000,000.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICES****ENVIRONMENTAL CONTROL**

For expenses necessary to improve health and safety in the Nation's coal mines, \$10,000,000: *Provided*, That this paragraph shall be effective only upon the enactment into law of S. 2917, 91st Congress.

Post, p. 742.

CHAPTER V**LEGISLATIVE BRANCH****SENATE****SALARIES, OFFICERS AND EMPLOYEES****OFFICE OF THE VICE PRESIDENT**

For an additional amount for "Office of the Vice President", \$24,966.

HOUSE OF REPRESENTATIVES

For payment to Justina Ronan, mother, and to Eileen Burke and Betty Dlouhy, sisters, of Daniel J. Ronan, late a Representative from the State of Illinois, \$42,500, one-half to the mother and one-quarter each to the sisters.

CHAPTER VI**DEPARTMENT OF STATE****INTERNATIONAL ORGANIZATIONS AND CONFERENCES****INTERNATIONAL CONFERENCES AND CONTINGENCIES**

For an additional amount for "International conferences and contingencies", \$350,000, to be derived by transfer from the appropriation for "Contributions to International Organizations", fiscal year 1970: *Provided*, That \$150,000 of the foregoing amount shall be transferred and available only on enactment into law of S.J. Res. 90, 91st Congress, or similar legislation.

Ante, p. 443.

DEPARTMENT OF JUSTICE**IMMIGRATION AND NATURALIZATION SERVICE****SALARIES AND EXPENSES**

For an additional amount for "Salaries and expenses, Immigration and Naturalization Service", \$869,000.

BUREAU OF NARCOTICS AND DANGEROUS DRUGS**SALARIES AND EXPENSES**

For an additional amount for "Salaries and expenses, Bureau of Narcotics and Dangerous Drugs", \$700,000.

DEPARTMENT OF COMMERCE**ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION****SALARIES AND EXPENSES**

For an additional amount for "Salaries and expenses", \$618,000.

FACILITIES, EQUIPMENT, AND CONSTRUCTION

For an additional amount for "Facilities, equipment, and construction", \$1,040,000, to remain available until expended.

MARITIME ADMINISTRATION**STATE MARINE SCHOOLS**

For an additional amount for "State Marine Schools" for the Michigan State Maritime Academy, \$50,000.

RELATED AGENCY**SMALL BUSINESS ADMINISTRATION****DISASTER LOAN FUND**

For additional capital for the "Disaster loan fund", authorized by the Small Business Act, as amended, \$175,000,000, to remain available without fiscal year limitation.

72 Stat. 384.
15 USC 631 note.

UNITED STATES SECTION OF THE UNITED STATES-MEXICO COMMISSION FOR BORDER DEVELOPMENT AND FRIENDSHIP**SALARIES AND EXPENSES**

For necessary expenses of the United States Section of the United States-Mexico Commission for Border Development and Friendship, including expenses for liquidating its affairs, \$159,000, to be available from July 1, 1969, and to remain available until January 31, 1970.

CHAPTER VII**DEPARTMENT OF TRANSPORTATION****UNITED STATES COAST GUARD****OPERATING EXPENSES**

For an additional amount for "Operating expenses", \$1,000,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, construction, and improvements", \$1,200,000, to remain available until expended.

CHAPTER VIII
TREASURY DEPARTMENT

OFFICE OF THE SECRETARY
SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$600,000.

BUREAU OF CUSTOMS
SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", including hire of passenger motor vehicles and aircraft; purchase of an additional one hundred and forty-eight passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year; and purchase of an additional seven aircraft, \$8,750,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses," including purchase of an additional forty-two motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year, \$4,000,000: *Provided*, That this paragraph shall be available only upon enactment into law of H.R. 14944, 91st Congress, or similar legislation.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF INTERGOVERNMENTAL RELATIONS
SALARIES AND EXPENSES

For expenses necessary for the Office of Intergovernmental Relations, \$120,000: *Provided*, That this appropriation shall be available only upon enactment into law of S.J. Res. 117, 91st Congress, or similar legislation.

PRESIDENT'S ADVISORY COUNCIL ON EXECUTIVE ORGANIZATION

SALARIES AND EXPENSES

For necessary expenses of the President's Advisory Council on Executive Organization, including compensation of members of the Council at the rate of \$100 per day when engaged in the performance of the Council's duties, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed \$100 per diem, and employment and compensation of necessary personnel without regard to the civil service and classification laws and the provisions of 5 U.S.C. 5363-5364, \$1,000,000, of which \$500,000 shall be for repayment to the appropriation for "Emergency fund for the President", fiscal year 1970.

Post, p. 849.

80 Stat. 416.

80 Stat. 473.

INDEPENDENT AGENCY
TAX COURT OF THE UNITED STATES
SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$65,000.

CHAPTER IX
CLAIMS AND JUDGMENTS

For payment of claims settled and determined by departments and agencies in accord with law and judgments rendered against the United States by the United States Court of Claims and United States district courts, as set forth in Senate Document Numbered 91-48, and in House Document Numbered 91-199, Ninety-first Congress, \$25,021,852, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of the Act.

CHAPTER X
GENERAL PROVISIONS

SEC. 1001. During the current fiscal year, restrictions contained within appropriations, or provisions affecting appropriations or other funds, limiting the amounts which may be expended for expenses of travel, or for purposes involving expenses of travel, or amounts which may be transferred between appropriations or authorizations available for or involving expenses of travel, are hereby increased to the extent necessary to meet increased per diem costs authorized by Public Law 91-114, approved November 10, 1969.

SEC. 1002. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 1003. Section 102 of the Act of November 14, 1969 (Public Law 91-117), as amended, is further amended by striking "the sine die adjournment of the first session of the Ninety-first Congress" and inserting in lieu thereof, "January 30, 1970".

Approved December 26, 1969.

Ante, p. 190.
Fiscal year
limitation.

Continuing appro-
priations, 1970.
Ante, pp. 193,
292.

Public Law 91-167

AN ACT
To change the limitation on the number of apprentices authorized to be employees
of the Government Printing Office, and for other purposes.

December 26, 1969
[H. R. 9366]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of October 22, 1968 (ch. 3, sec. 305, 82 Stat. 1240) (44 U.S.C. 305), is amended by deleting in the second sentence the words "nor more than two hundred apprentices at one time" and substituting therefor the words "nor more than four hundred apprentices at one time".

GPO apprentices.
Limitation in-
crease.

Approved December 26, 1969.

Public Law 91-168

December 26, 1969
[H. R. 14794]

Department of
Transportation
and Related
Agencies
Appropriation
Act, 1970.

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of Transportation, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; not to exceed \$27,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine; \$11,600,000.

80 Stat. 508;
81 Stat. 206.

82 Stat. 126.
49 USC 1653
note.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics; \$11,000,000, of which \$400,000 shall be available only for the study of the existing motor vehicle accident compensation system authorized in Public Law 90-313, to remain available until expended.

CONSOLIDATION OF DEPARTMENTAL HEADQUARTERS

For necessary expenses in connection with the consolidation of departmental activities into the Southwest Area of Washington, District of Columbia, \$4,520,000.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for, including hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; purchase of not to exceed sixteen passenger motor vehicles for replacement only; maintenance, operation, and repair of aircraft; recreation and welfare; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); \$386,000,000, of which \$131,370 shall be applied to Capehart Housing debt reduction: *Provided*, That the number of aircraft on hand at any one time shall not exceed one hundred and seventy-three exclusive of planes and parts stored to meet future attrition: *Provided further*, That, without regard to any provisions of law or Executive order prescribing minimum flight requirements, Coast Guard regulations which establish proficiency standards and maximum and minimum flying hours for this purpose may provide for the payment of flight pay at the rates prescribed in section 301 of title 37, United States Code, to certain members of the Coast Guard otherwise entitled to receive flight pay during the current fiscal year (1)

80 Stat. 416.

76 Stat. 461.

who have held aeronautical ratings or designations for not less than fifteen years, or (2) whose particular assignment outside the United States or in Alaska, makes it impractical to participate in regular aerial flights: *Provided further*, That amounts equal to the obligated balances against the appropriations for "Operating expenses" for the two preceding years, shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation: *Provided further*, That, except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), this appropriation shall be available for expenses of primary and secondary schooling for dependents of Coast Guard personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents and the Coast Guard may provide for the transportation of said dependents between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation.

School expenses
for dependents.
64 Stat. 1100;
79 Stat. 27.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and services as authorized by 5 U.S.C. 3109; \$66,500,000, to remain available until expended.

80 Stat. 416.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection Plan, \$57,750,000.

70A Stat. 108.
10 USC 1431-
1446.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law, including repayment to other Coast Guard appropriations for indirect expenses, for regular personnel, or reserve personnel while on active duty, engaged primarily in administration and operation of the reserve program; maintenance and operation of facilities; supplies, equipment, and services; and the maintenance, operation, and repair of aircraft; \$25,900,000: *Provided*, That amounts equal to the obligated balances against the appropriations for "Reserve training" for the two preceding years shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation: *Provided further*, That none of the funds appropriated herein shall be available for a Selected Reserve programmed to be in excess of 15,000 personnel on June 30, 1970.

80 Stat. 416.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

For necessary expenses, not otherwise provided for, for basic and applied scientific research, development, test and evaluation; services as authorized by 5 U.S.C. 3109; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$14,500,000, to remain available until expended.

60 Stat. 170;
78 Stat. 158.
49 USC 1101
note.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development and for establishment of air navigation facilities, and carrying out the provisions of the Federal Airport Act; purchase of five passenger motor vehicles for replacement only; and purchase and repair of skis and snowshoes; \$767,000,000: *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities.

FACILITIES AND EQUIPMENT

For an additional amount for the acquisition, establishment, and improvement by contract or purchase and hire of air navigation and experimental facilities, including the initial acquisition of necessary sites by lease or grant; the construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available, but at a total cost of construction of not to exceed \$50,000 per housing unit in Alaska; \$224,000,000, to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment of air navigation facilities: *Provided further*, That no part of the foregoing appropriation shall be available for the construction of a new wind tunnel, or to purchase any land for or in connection with the National Aviation Facilities Experimental Center.

72 Stat. 731.

RESEARCH AND DEVELOPMENT

For expenses, not otherwise provided for, necessary for research, development, and service testing in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301-1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$41,000,000, to remain available until expended.

OPERATION AND MAINTENANCE, NATIONAL CAPITAL AIRPORTS

For expenses incident to the care, operation, maintenance, improvement and protection of the federally owned civil airports in the vicinity of the District of Columbia, including purchase of eight passenger motor vehicles for police use, for replacement only, which may exceed by \$450 the general purchase price limitation for the current fiscal year; purchase, cleaning and repair of uniforms; and arms and ammunition; \$9,650,000.

CONSTRUCTION, NATIONAL CAPITAL AIRPORTS

For necessary expenses for construction at the federally owned civil airports in the vicinity of the District of Columbia, \$1,900,000, to remain available until expended.

GRANTS-IN-AID FOR AIRPORTS

For grants-in-aid for airports pursuant to the provisions of the Federal Airport Act, as amended, for the fiscal year 1970, \$50,000,000, to remain available until expended.

60 Stat. 170;
78 Stat. 158.
49 USC 1101
note.

CIVIL SUPERSONIC AIRCRAFT DEVELOPMENT

For an additional amount for expenses, not otherwise provided for, necessary for the development of a civil supersonic aircraft, including the construction of two prototype aircraft of the same design, and advances of funds without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), \$85,000,000, to remain available until expended.

AVIATION WAR RISK INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958 (49 U.S.C. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for aviation war risk insurance activities under said Act.

72 Stat. 803.

61 Stat. 584.

FEDERAL HIGHWAY ADMINISTRATION

OFFICE OF THE ADMINISTRATOR, SALARIES AND EXPENSES

For necessary expenses, not otherwise provided, as authorized by law, of the Office of the Administrator and staff offices of the Federal Highway Administration, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); services as authorized by 5 U.S.C. 3109, and for hire of passenger motor vehicles, \$1,650,000, together with not to exceed \$12,627,000, to be transferred from the appropriation for "Federal-Aid Highways (trust fund)."

80 Stat. 508;
81 Stat. 206.
80 Stat. 416.

BUREAU OF PUBLIC ROADS, LIMITATION ON GENERAL EXPENSES

For necessary expenses, not otherwise provided, for administration, operation, and research of the Bureau of Public Roads, as authorized by law, not to exceed \$59,121,000 shall be paid, in accordance with law, from the appropriation "Federal-Aid Highways (trust fund)" (including advances and reimbursements): *Provided*, That appropriations available to the Bureau of Public Roads shall be available for hire of passenger motor vehicles; uniforms or allowances therefor authorized by law (5 U.S.C. 5901-5902); and services as authorized by 5 U.S.C. 3109.

FEDERAL-AID HIGHWAYS (TRUST FUND)

72 Stat. 885.
23 USC 101
et seq.

73 Stat. 612;
82 Stat. 829.

72 Stat. 917.

48 USC prec.
21 note.

For carrying out the provisions of title 23, United States Code, which are attributable to Federal-aid highways, to remain available until expended, \$4,419,279,000, or so much thereof as may be available in and derived from the "Highway trust fund"; which sum is composed of \$847,481,534, the balance of the amount authorized for the fiscal year 1968, and \$3,533,765,964 (or so much thereof as may be available in and derived from the "Highway trust fund"), a part of the amount authorized to be appropriated for the fiscal year 1969, \$11,549,761 for reimbursement of the sum expended for the repair or reconstruction of highways and bridges which have been damaged or destroyed by floods, hurricanes, or landslides, as provided by title 23, United States Code, section 125, \$133,443 for reimbursement of the sums expended for the design and construction of bridges upon and across dams, as provided by title 23, United States Code, section 320, \$24,949,709 for reimbursement of sums expended pursuant to the provisions of section 2 of the Pacific Northwest Disaster Relief Act of 1965 (79 Stat. 131), and \$1,398,589 for reimbursement of the sums expended pursuant to the provisions of section 21 of the Alaska Omnibus Act, as amended (78 Stat. 505).

RIGHT-OF-WAY REVOLVING FUND (LIQUIDATION OF CONTRACT AUTHORIZATION) (TRUST FUND)

82 Stat. 818.

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 108(c), as authorized by section 7(c) of the Federal-Aid Highway Act of 1968, to remain available until expended, \$40,000,000, to be derived from the "Highway trust fund" at such times and in such amounts as may be necessary to meet current withdrawals.

HIGHWAY BEAUTIFICATION (LIQUIDATION OF CONTRACT AUTHORIZATION)

79 Stat. 1028.
1030, 1032.

82 Stat. 817.

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, sections 131, 136, and 319(b), to remain available until expended, \$5,000,000, together with \$1,100,000 for necessary administrative expenses for carrying out such provisions of title 23, United States Code, as authorized by section 6(g) of the Federal-Aid Highway Act of 1968.

TRAFFIC AND HIGHWAY SAFETY

80 Stat. 416.

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety, including services authorized by 5 U.S.C. 3109; \$29,550,000, together with \$2,050,000 to be transferred from the appropriation for "State and community highway safety (Liquidation of contract authorization)."

STATE AND COMMUNITY HIGHWAY SAFETY (LIQUIDATION OF CONTRACT AUTHORIZATION)

80 Stat. 731;
82 Stat. 822.

For the payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402, to remain available until expended, \$30,000,000, of which not to exceed \$2,050,000 may be advanced to the appropriation "Traffic and highway safety" for administration of this program.

MOTOR CARRIER SAFETY

For necessary expenses to carry out motor carrier safety functions of the Secretary, as authorized by the Department of Transportation Act (80 Stat. 939-40) : \$2,300,000.

49 USC 1655.

FOREST HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 204, pursuant to contract authorization granted by title 23, United States Code, section 203, to remain available until expended, \$25,000,000, which sum is composed of \$11,950,000, the balance of the amount authorized to be appropriated for the fiscal year 1968, and \$13,050,000, a part of the amount authorized to be appropriated for the fiscal year 1969: *Provided*. That this appropriation shall be available for the rental, purchase, construction, or alteration of buildings and sites necessary for the storage and repair of equipment and supplies used for road construction and maintenance but the total cost of any such item under this authorization shall not exceed \$15,000.

72 Stat. 906.

PUBLIC LANDS HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 209, pursuant to the contract authorization granted by title 23, United States Code, section 203, to remain available until expended, \$7,000,000, which sum is composed of \$5,300,000, the balance of the amount authorized to be appropriated for the fiscal year 1968, and \$1,700,000, a part of the amount authorized to be appropriated for the fiscal year 1969.

72 Stat. 908;
78 Stat. 397.

CHAMIZAL MEMORIAL HIGHWAY

For necessary expenses to carry out the provisions of the Act of November 8, 1966 (Public Law 89-795), \$4,000,000, to remain available until expended.

80 Stat. 1477.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

SALARIES AND EXPENSES

For necessary expenses of the Federal Railroad Administration, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109; \$1,050,000.

80 Stat. 508;
81 Stat. 206.
80 Stat. 416.

BUREAU OF RAILROAD SAFETY

For necessary expenses of the Bureau of Railroad Safety, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109; \$4,050,000.

HIGH-SPEED GROUND TRANSPORTATION RESEARCH AND DEVELOPMENT

For necessary expenses for research, development, and demonstrations in high-speed ground transportation, \$11,000,000, of which \$150,000 shall be available only for a feasibility study of extending a transit line to Dulles International Airport, to remain available until expended.

RAILROAD RESEARCH

For necessary expenses for conducting railroad research activities, \$300,000, to remain available until expended.

ALASKA RAILROAD

ALASKA RAILROAD REVOLVING FUND

The Alaska Railroad Revolving Fund shall continue available until expended for the work authorized by law, including operation and maintenance of oceangoing or coastwise vessels by ownership, charter, or arrangement with other branches of the Government service, for the purpose of providing additional facilities for transportation of freight, passengers, or mail, when deemed necessary for the benefit and development of industries or travel in the area served; and payment of compensation and expenses as authorized by 5 U.S.C. 8146, to be reimbursed as therein provided: *Provided*, That no employee shall be paid an annual salary out of said fund in excess of the salaries prescribed by the Classification Act of 1949, as amended, for grade GS-15, except the general manager of said railroad, one assistant general manager at not to exceed the salaries prescribed by said Act for GS-17, and five officers at not to exceed the salaries prescribed by said Act for grade GS-16.

80 Stat. 553.

80 Stat. 457.
5 USC 5332
note.

URBAN MASS TRANSPORTATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Urban Mass Transportation Administration, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109; \$1,500,000.

80 Stat. 508;
81 Stat. 206.
80 Stat. 416.

78 Stat. 302;
82 Stat. 534.

URBAN MASS TRANSPORTATION FUND

For an additional amount for grants and loans as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended, \$214,000,000, for the fiscal year 1971, of which not to exceed \$20,000,000 shall be available for research, development, and demonstration grants.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such Corporation, except as hereinafter provided.

61 Stat. 584.
31 USC 849.

**LIMITATION ON ADMINISTRATIVE EXPENSES, SAINT LAWRENCE
SEAWAY DEVELOPMENT CORPORATION**

Not to exceed \$600,000 shall be available for administrative expenses which shall be computed on an accrual basis, including not to exceed \$3,000 for official entertainment expenses to be expended upon the approval or authority of the Secretary of Transportation, hire of passenger motor vehicles, uniforms or allowances therefor for operation and maintenance personnel, as authorized by law (5 U.S.C. 5901–5902) and \$5,000 for services as authorized by 5 U.S.C. 3109.

80 Stat. 508;
81 Stat. 206.
80 Stat. 416.

TITLE II—RELATED AGENCIES

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including employment of temporary guards on a contract or fee basis; hire, operation, maintenance, and repair of aircraft; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); \$5,050,000.

CIVIL AERONAUTICS BOARD

SALARIES AND EXPENSES

For necessary expenses of the Civil Aeronautics Board, including hire of aircraft; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); and not to exceed \$1,000 for official reception and representation expenses, \$10,200,000.

72 Stat. 763.

PAYMENTS TO AIR CARRIERS

For payments to air carriers of so much of the compensation fixed and determined by the Civil Aeronautics Board under section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376), as is payable by the Board, \$38,500,000, to remain available until expended.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, \$25,127,000, of which \$150,000 shall be available for valuation of pipelines: *Provided*, That Joint Board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their duties as such.

**WASHINGTON METROPOLITAN AREA TRANSIT
AUTHORITY**

FEDERAL CONTRIBUTION

To enable the Department of Transportation to pay the Washington Metropolitan Area Transit Authority, as part of the Federal contribution toward expenses necessary to design, engineer, construct,

Ante, p. 320.
40 USC 681
note.

80 Stat. 508;
81 Stat. 206.
Sonic boom
damages; pay-
ment of claims.

Jet airplanes.
Lease purchase
contract pay-
ments.

Everglades Na-
tional Park,
Fla.
Ecology study.

Short title.

and equip a rail rapid transit system, as authorized by the National Capital Transportation Act of 1965, as amended (79 Stat. 663; 80 Stat. 1352; 81 Stat. 670), including acquisition of rights-of-way, land and interests therein, \$43,173,000 to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. During the current fiscal year applicable appropriations to the Federal Aviation Administration shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Funds appropriated under this Act for expenditure by the Federal Aviation Administration may be expended for reimbursement of other Federal agencies for expenses incurred, on behalf of the Federal Aviation Administration, in the settlement of claims for damages resulting from sonic boom in connection with research conducted as part of the civil supersonic aircraft development.

SEC. 303. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of \$16,100,000 for "Highway Beautification" in fiscal year 1970.

SEC. 304. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of \$70,000,000 in fiscal year 1970 for "State and Community Highway Safety".

SEC. 305. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of \$18,000,000, exclusive of the reimbursable program, in fiscal year 1970 for "Forest Highways".

SEC. 306. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of \$8,000,000 in fiscal year 1970 for "Public Lands Highways".

SEC. 307. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 308. None of the money appropriated hereby shall be used to make any payment on any lease purchase contract for jet airplanes to be used by the Federal Aviation Administration wherein the total cost of the lease payments plus the amount needed to exercise the purchase option exceeds the purchase price of the aircraft (which would have been charged were the aircraft to be purchased by normal appropriations) by more than 20 per centum.

SEC. 309. None of the funds provided under this Act shall be available for the planning or execution of programs for any further construction of the Miami jetport or of any other air facility in the State of Florida lying south of the Okeechobee Waterway and in the drainage basins contributing water to the Everglades National Park until it has been shown by an appropriate study made jointly by the Department of the Interior and the Department of Transportation that such an airport will not have an adverse environmental effect on the ecology of the Everglades.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriation Act, 1970".

Approved December 26, 1969.

Public Law 91-169

AN ACT

To amend the Act entitled "An Act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907.

December 26, 1969
[H. R. 8449]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907 (45 U.S.C. 61, 62, 63, 64), is hereby amended to read as follows: "That (a) this Act shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers or property by railroad in the District of Columbia or any territory of the United States, or from one State or territory of the United States or the District of Columbia to any other State or territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

Railroads,
Employees,
hours of service,
restrictions,
34 Stat. 1415.

"(b) For the purposes of this Act—

"(1) The term 'railroad' includes all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease.

"(2) The term 'employee' means an individual actually engaged in or connected with the movement of any train.

"(3) Time on duty shall commence when an employee reports for duty and terminate when the employee is finally released from duty, and shall include:

"(A) Interim periods available for rest at other than a designated terminal;

"(B) Interim periods available for less than four hours rest at a designated terminal;

"(C) Time spent in deadhead transportation by an employee to a duty assignment: *Provided*. That time spent in deadhead transportation by an employee from duty to his point of final release shall not be counted in computing time off duty;

"(D) The time an employee is actually engaged in or connected with the movement of any train; and

"(E) Such period of time as is otherwise provided by this Act.

SEC. 2. (a) It shall be unlawful for any common carrier, its officers or agents, subject to this Act—

"(1) to require or permit an employee, in case such employee shall have been continuously on duty for fourteen hours, to continue on duty or to go on duty until he has had at least ten consecutive hours off duty, except that, effective upon the expiration of the two-year period beginning on the effective date of this paragraph, such fourteen-hour duty period shall be reduced to twelve hours; or

"(2) to require or permit an employee to continue on duty or to go on duty when he has not had at least eight consecutive hours off duty during the preceding twenty-four hours.

"(b) In determining, for the purposes of subsection (a), the number of hours an employee is on duty, there shall be counted, in addition to the time such employee is actually engaged in or connected with the movement of any train, all time on duty in other service performed for the common carrier during the twenty-four-hour period involved.

Definitions.

Time on duty.

Violations.

Wrecking crews. “(c) The provisions of this Act shall not apply to the crews of wreck or relief trains.

“(d) The provisions of this section shall not apply to an employee during such period of time as the provisions of section 3 apply to his duty and off-duty periods.

Telegraph operators, etc.

“SEC. 3. (a) No operator, train dispatcher, or other employee who by the use of the telegraph, telephone, radio, or any other electrical or mechanical device dispatches, reports, transmits, receives, or delivers orders pertaining to or affecting train movements—

“(1) shall be required or permitted to be or remain on duty for more than nine hours, whether consecutive or in the aggregate, in any twenty-four-hour period in any tower, office, station, or place where two or more shifts are employed; and

“(2) shall be required or permitted to be or remain on duty for more than twelve hours, whether consecutive or in the aggregate, in any twenty-four-hour period in any tower, office, station, or place where only one shift is employed.

“(b) For the purposes of subsection (a), in determining the number of hours an employee is on duty in a class of service, and at a place, described in paragraph (1) or (2) of such subsection, there shall be counted, in addition to the time spent by him on duty in such service at such place, all time on duty in other service performed for the common carrier during the twenty-four-hour period involved.

Emergency provisions.

“(c) Notwithstanding subsection (a) of this section, in case of emergency the employees named in such subsection may be permitted to be and remain on duty for four additional hours in any period of twenty-four consecutive hours of not exceeding three days in any period of seven consecutive days.

Maximum hours.

“SEC. 4. The requirements imposed by this Act with respect to time on duty of employees are hereby declared to result in the maximum permissible hours of service consistent with safety. However, shorter hours of service and time on duty of employees for lesser periods of time are hereby declared to be proper subjects for collective bargaining between any common carrier subject to this Act and its employees.

Penalty.

“SEC. 5. (a) Any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be, or remain on duty in violation of section 2 or section 3 of this Act shall be liable to a penalty of \$500 for each and every violation, to be recovered in a suit or suits to be brought by the United States attorney in the district court of the United States having jurisdiction in the locality where such violations shall have been committed; and it shall be the duty of such United States attorney to bring such suit upon satisfactory information being lodged with him; but no such suit shall be brought after the expiration of two years from the date of such violation.

Statute of limitations.

“(b) It shall be the duty of the Secretary of Transportation to lodge with the appropriate United States attorney information of any violation as may come to the knowledge of the Secretary.

“(c) In all prosecutions under this Act the common carrier shall be deemed to have knowledge of all acts of all its officers and agents.

“(d) The provisions of this Act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of the employee at the time said employee left a terminal, and which could not have been foreseen.

“(e) With respect to any railroad which employs a total of not more than 15 employees covered by this Act, the Secretary of Trans-

portation may after full hearing in any particular case and for good cause shown exempt any such railroad subject to this Act with respect to one or more of its employees from the limitations imposed by this Act for a specified period of time, if the Secretary of Transportation finds that such exemption is in the public interest and will not adversely affect safety. Such order is to be subject to review at least annually. In no event shall any such exemption be made for any railroad described in this section to work its employees beyond 16 hours either consecutively or in the aggregate within any 24-hour period.

Exemption.

“SEC. 6. It shall be the duty of the Secretary of Transportation to carry out the provisions of this Act.”

Review.

SEC. 2. If any provision of the amendment made by the first section of this Act is held invalid, the remainder of such amendment shall not be affected thereby.

Separability provision.

SEC. 3. This Act shall take effect one year after the date of its enactment.

Effective date.

Approved December 26, 1969.

Public Law 91-170

AN ACT

December 29, 1969

Making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes.

[H. R. 14751]

Military Construction Appropriation Act, 1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1970, for military construction functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Army as currently authorized in military public

Ante, p. 206.
72 Stat. 1459,
1460.

works or military construction Acts, in section 204 of title II, Public Law 91-121, and in sections 2673 and 2675 of title 10, United States Code, \$287,228,000, to remain available until expended.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, and facilities for the Navy as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$300,028,000, to remain available until expended.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Air Force as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, \$284,327,000, to remain available until expended.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, and facilities for activities and agencies of the Department of Defense (other than the military departments and the Office of Civil Defense), as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, \$33,915,000, to remain available until expended; and, in addition, not to exceed \$20,000,000 to be derived by transfer from the appropriation "Research, development, test, and evaluation, Defense Agencies" as determined by the Secretary of Defense: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, \$15,000,000, to remain available until expended.

70A Stat. 120.
10 USC 2231-
2238.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, \$13,200,000, to remain available until expended.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, \$10,000,000, to remain available until expended.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, \$9,600,000, to remain available until expended.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, \$5,300,000, to remain available until expended.

FAMILY HOUSING, DEFENSE

For expenses of family housing for the Army, Navy, Marine Corps, Air Force, and Defense agencies, for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation, maintenance, and debt payment, including leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$688,476,000, to be obligated and expended in the Family Housing Management Account established pursuant to section 501(a) of Public Law 87-554, in not to exceed the following amounts:

76 Stat. 236;
81 Stat. 304.
42 USC 1594a-1.

For the Army:

Construction, \$30,461,000;
Operation, maintenance, \$141,440,000;
Debt payment, \$47,480,000.

For the Navy and Marine Corps:

Construction, \$51,892,000;
Operation, maintenance, \$94,758,000;
Debt payment, \$31,648,000.

For the Air Force:

Construction, \$41,989,000;
 Operation, maintenance, \$155,845,000;
 Debt payment, \$87,680,000.

For Defense agencies:

Construction, \$449,000;
 Operation, maintenance, \$5,384,000.

Provided, That the amounts provided under this head for construction and for debt payment shall remain available until expended.

GENERAL PROVISIONS

Prior appro-
priations.

SEC. 101. Funds appropriated to the Department of Defense for construction in prior years are hereby made available for construction authorized for each such department by the authorizations enacted into law during the first session of the Ninety-first Congress.

Contracts.

SEC. 102. None of the funds appropriated in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

Expediting
costs.

SEC. 103. None of the funds appropriated in this Act shall be expended for additional costs involved in expediting construction unless the Secretary of Defense certifies such costs to be necessary to protect the national interest and establishes a reasonable completion date for each project, taking into consideration the urgency of the requirement, the type and location of the project, the climatic and seasonal conditions affecting the construction, and the application of economical construction practices.

Bakery facili-
ties, etc.

SEC. 104. None of the funds appropriated in this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or drycleaning facility in the United States, its territories, or possessions, as to which the Secretary of Defense does not certify, in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

Motor vehicle
hire.

SEC. 105. Funds appropriated to the Department of Defense for construction are hereby made available for hire of passenger motor vehicles.

Access roads.

SEC. 106. Funds appropriated to the Department of Defense for construction may be used for advances to the Bureau of Public Roads, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

72 Stat. 908.

SEC. 107. None of the funds appropriated in this Act may be used to begin construction of new bases inside the Continental United States for which specific appropriations have not been made.

New bases.

SEC. 108. No part of the funds provided in this Act shall be used for purchase of land or land easements in excess of 100 per centum

Land pur-
chases or ease-
ments.

of the value as determined by the Corps of Engineers or the Naval Facilities Engineering Command, except: (a) where there is a determination of value by a Federal court, (b) purchases negotiated by the Attorney General or his designee, and (c) where the estimated value is less than \$25,000.

SEC. 109. None of the funds appropriated in this Act may be used to make payments under contracts for any project in a foreign country unless the Secretary of Defense or his designee, after consultation with the Secretary of the Treasury or his designee, certifies to the Congress that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law is not feasible for the purpose, stating the reason therefor.

SEC. 110. None of the funds appropriated in this Act shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual military construction appropriation Acts.

SEC. 111. Funds received from the proceeds of handling excess family housing remaining under the jurisdiction of the Department of Defense shall be deposited to the credit of "Family Housing, Defense" to be used for the purpose of reducing debt payments of the military departments.

This Act may be cited as the "Military Construction Appropriation Act, 1970".

Approved December 29, 1969.

Foreign projects.

Family housing, limitation.

Excess family housing proceeds, disposition.

Short title.

Public Law 91-171

AN ACT

Making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes

December 29, 1969
[H. R. 15090]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1970, for military functions administered by the Department of Defense, and for other purposes, namely:

Department of Defense Appropriation Act, 1970.

TITLE I**MILITARY PERSONNEL****MILITARY PERSONNEL, ARMY**

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere); \$8,107,000,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; \$4,368,400,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); \$1,518,000,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; \$5,823,000,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3019, and 3033 of title 10, United States Code, or while undergoing reserve training or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, as authorized by law; \$306,700,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Naval Reserve on active duty under section 265 of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, as authorized by law; \$131,400,000.

70A Stat. 11.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve and the Marine Corps platoon leaders class on active duty under section 265 of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, as authorized by law; \$45,000,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8019, and 8033 of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Air Reserve Officers' Training Corps, as authorized by law; \$81,200,000.

81 Stat. 524,
525.**NATIONAL GUARD PERSONNEL, ARMY**

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 265, 3033, or 3496 of title 10 or section 708 of title 32, United States Code, or while undergoing training or while performing drills or equivalent duty, as authorized by law; \$356,800,000: *Provided*, That obligations may be incurred under this appropriation without regard to section 107 of title 32, United States Code.

70A Stat. 198,
614; 81 Stat. 524.

70A Stat. 599.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 265, 8033, or 8496 of title 10 or section 708 of title 32, United States Code, or while undergoing training or while performing drills or equivalent duty, as authorized by law; \$97,300,000: *Provided*, That obligations may be incurred under this appropriation without regard to section 107 of title 32, United States Code.

70A Stat. 524.

TITLE II**RETIRED MILITARY PERSONNEL****RETIRED PAY, DEFENSE**

For retired pay and retirement pay, as authorized by law, of military personnel on the retired lists of the Army, Navy, Marine Corps, and the Air Force, including the reserve components thereof, retainer pay for personnel of the inactive Fleet Reserve, and payments under chapter 73 of title 10, United States Code; \$2,735,000,000.

10 USC 1431-
1446.

TITLE III

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, including administration; medical and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel on duty or leave, except elective private treatment), and other measures necessary to protect the health of the Army; care of the dead; chaplains' activities; awards and medals; welfare and recreation; recruiting expenses; transportation services; communications services; maps and similar data for military purposes; military surveys and engineering planning; repair of facilities; hire of passenger motor vehicles; tuition and fees incident to training of military personnel at civilian institutions; field exercises and maneuvers; expenses for the Reserve Officers' Training Corps and other units at educational institutions, as authorized by law; and not to exceed \$4,061,000 for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government; \$7,214,447,250, of which not less than \$225,000,000 shall be available only for the maintenance of real property facilities: *Provided*, That not to exceed \$142,165,000, in the aggregate of the unobligated balances of appropriations made under this head for prior fiscal years, and subsequently withdrawn under the Act of July 25, 1956 (31 U.S.C. 701), may be restored and transferred to the appropriation account under this head for fiscal year 1966.

70 Stat. 647.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, including aircraft and vessels; modification of aircraft, missiles, missile systems, and other ordnance; design of vessels; training and education of members of the Navy; administration; procurement of military personnel; hire of passenger motor vehicles; welfare and recreation; medals, awards, emblems, and other insignia; transportation of things (including transportation of household effects of civilian employees); industrial mobilization; medical and dental care; care of the dead; charter and hire of vessels; relief of vessels in distress; maritime salvage services; military communications facilities on merchant vessels; dissemination of scientific information; administration of patents, trademarks, and copyrights; annuity premiums and retirement benefits for civilian members of teaching services; tuition, allowances, and fees incident to training of military personnel at civilian institutions; repair of facilities; departmental salaries; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for the enlisted men; procurement of services, special clothing, supplies, and equipment; installation of equipment in public or private plants; exploration, prospecting, conservation, development, use, and operation of the naval petroleum and oil shale reserves, as authorized by law; and not to exceed \$2,999,000 for emergency and extraordinary expenses, as authorized by section 7202 of title 10, United States Code, to be expended on the approval and authority of the Secretary and his determination shall be final

70A Stat. 442.

and conclusive upon the accounting officers of the Government; \$5,037,300,000, of which not less than \$147,500,000 shall be available only for maintenance of real property facilities, and not to exceed \$1,900,000 may be transferred to the appropriation for "Salaries and expenses", Environmental Science Services Administration, Department of Commerce, for the current fiscal year for the operation of ocean weather stations: *Provided*, That not to exceed \$66,000,000, in the aggregate of unobligated balances of appropriations made under this head for prior fiscal years, and subsequently withdrawn under the Act of July 25, 1956 (31 U.S.C. 701), may be restored and transferred to the appropriation account under this head for the fiscal year 1966.

70 Stat. 647.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, necessary for the operation and maintenance of the Marine Corps including equipment and facilities; procurement of military personnel; training and education of regular and reserve personnel, including tuition and other costs incurred at civilian schools; welfare and recreation; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for the enlisted men; procurement and manufacture of military supplies, equipment, and clothing; hire of passenger motor vehicles; transportation of things; medals, awards, emblems, and other insignia; operation of station hospitals, dispensaries and dental clinics; and departmental salaries; \$420,000,000, of which not less than \$22,426,000 shall be available only for the maintenance of real property facilities: *Provided*, That not to exceed \$2,500,000, in the aggregate of unobligated balances of appropriations made under this head for prior fiscal years, and subsequently withdrawn under the Act of July 25, 1956 (31 U.S.C. 701), may be restored and transferred to the appropriation account under this head for the fiscal year 1966.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation, maintenance, and administration of the Air Force, including the Air Force Reserve and the Air Reserve Officers' Training Corps; operation, maintenance, and modification of aircraft and missiles; transportation of things; repair and maintenance of facilities; field printing plants; hire of passenger motor vehicles; recruiting advertising expenses; training and instruction of military personnel of the Air Force, including tuition and related expenses; pay, allowances, and travel expenses of contract surgeons; repair of private property and other necessary expenses of combat maneuvers; care of the dead; chaplain and other welfare and morale supplies and equipment; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for enlisted men and patients not otherwise provided for; awards and decorations; industrial mobilization, including maintenance of reserve plants and equipment and procurement planning; special services by contract or otherwise; and not to exceed \$2,920,000 for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government; \$6,445,900,000, of which not less than \$250,000,000 shall be available only for the maintenance of real property facilities, and not to exceed \$215,000 may be transferred to the appropriation for "Salaries and expenses", Environ-

mental Science Services Administration, Department of Commerce, for the current fiscal year, for the operation of the Marcus Island upper-air station.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments and the Office of Civil Defense), including administration; hire of passenger motor vehicles; welfare and recreation; awards and decorations; travel expenses, including expenses of temporary duty travel of military personnel; transportation of things (including transportation of household effects of civilian employees); industrial mobilization; care of the dead; dissemination of scientific information; administration of patents, trademarks, and copyrights; tuition and fees incident to the training of military personnel at civilian institutions; repair of facilities; departmental salaries; procurement of services, special clothing, supplies, and equipment; field printing plants; information and educational services for the Armed Forces; communications services; and not to exceed \$4,090,000 for emergency and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense for such purposes as he deems appropriate, and his determination thereon shall be final and conclusive upon the accounting officers of the Government; \$1,069,400,000, of which not less than \$15,100,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personal services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard of the several States, Commonwealth of Puerto Rico, and the District of Columbia, as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); \$297,800,000, of which not less than \$1,900,000 shall be available only for the maintenance of real property facilities: *Provided*, That obligations may be incurred under this appropriation without regard to section 107 of title 32, United States Code.

70A Stat. 599.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard of the several States, Commonwealth of Puerto Rico, and the District of Columbia; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such

as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, of Air National Guard commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; \$330,534,000, of which not less than \$2,800,000 shall be available only for the maintenance of real property facilities: *Provided*, That obligations may be incurred under this appropriation without regard to section 107 of title 32, United States Code.

70A Stat. 599.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses of construction, equipment, and maintenance of rifle ranges, the instruction of citizens in marksmanship, and promotion of rifle practice, in accordance with law, including travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions, and not to exceed \$10,000 for incidental expenses of the National Board; \$52,750: *Provided*, That travel expenses of civilian members of the National Board shall be paid in accordance with the Standardized Government Travel Regulations, as amended.

CLAIMS, DEFENSE

For payment, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil functions), including claims for damages arising under training contracts with carriers, and repayment of amounts determined by the Secretary concerned, or officers designated by him, to have been erroneously collected from military and civilian personnel of the Department of Defense, or from States, territories, or the District of Columbia, or members of National Guard units thereof; \$39,000,000.

CONTINGENCIES, DEFENSE

For emergencies and extraordinary expenses arising in the Department of Defense, to be expended on the approval or authority of the Secretary of Defense and such expenses may be accounted for solely on his certificate that the expenditures were necessary for confidential military purposes; \$5,000,000: *Provided*, That a report of disbursements under this item of appropriation shall be made quarterly to Congress.

Report to Congress.

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; \$666,000.

TITLE IV

PROCUREMENT

PROCUREMENT OF EQUIPMENT AND MISSILES, ARMY

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, equipment, vehicles, vessels, and aircraft for the Army and the Reserve Officers' Training Corps; purchase of not to exceed five thousand two hundred and seventy-six passenger motor vehicles (including one medium sedan at

not to exceed \$3,000) for replacement only; expenses which in the discretion of the Secretary of the Army are necessary in providing facilities for production of equipment and supplies for national defense purposes, including construction, and the furnishing of Government-owned facilities and equipment at privately owned plants; and ammunition for military salutes at institutions to which issue of weapons for salutes is authorized; \$4,254,400,000, and in addition, \$50,000,000 shall be derived by transfer from the Defense stock fund, to remain available until expended.

PROCUREMENT OF AIRCRAFT AND MISSILES, NAVY

For construction, procurement, production, modification, and modernization of aircraft, missiles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands, and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public or private plants; \$2,620,000,000, and in addition, \$25,000,000 shall be derived by transfer from the Defense stock fund, to remain available until expended.

40 USC 255.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public or private plants; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; \$2,490,300,000 to remain available until expended: *Provided*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment, and materials not otherwise provided for, Navy ordnance and ammunition (except ordnance for new aircraft, new ships, and ships authorized for conversion), purchase of not to exceed one thousand three hundred and thirty-six passenger motor vehicles (including one medium sedan at not to exceed \$3,000) for replacement only; alteration of vessels and necessary design therefor; expansion of public and private plants, including the land necessary therefor, and such lands, and interests therein may be acquired, and construction prosecuted thereon prior to approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public or private plants; \$1,484,600,000, to remain available until expended.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public or private plants, and vehicles for the Marine Corps, including purchase of not to exceed two hundred and eight passenger motor vehicles for replacement only; \$500,848,000, to remain available until expended.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft, and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; reserve plant and equipment layaway; and other expenses necessary for the foregoing purposes, including rents and transportation of things; \$3,405,800,000, and, in addition, \$325,000,000, of which \$300,000,000 shall be derived by transfer from the Air Force stock fund and \$25,000,000 shall be derived by transfer from the Defense stock fund, to remain available until expended: *Provided*, That funds available under this heading shall be available to the extent of \$55,000,000 without regard to prior provisions relating to the F-12 aircraft program.

70A Stat. 590.

40 USC 255.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; reserve plant and equipment layaway; and other expenses necessary for the foregoing purposes, including rents and transportation of things; \$1,448,100,000, to remain available until expended.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed one thousand five hundred and twenty passenger motor vehicles for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such land, and interests therein, may be acquired and construction prose-

cuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; \$1,576,200,000, to remain available until expended.

PROCUREMENT, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments and the Office of Civil Defense) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; purchase of one hundred and seventy-eight passenger motor vehicles for replacement only; expansion of public and private plants, equipment and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such land and interests therein may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; \$61,600,000, to remain available until expended.

TITLE V

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$1,596,820,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$2,186,400,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$3,060,600,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments and the Office of Civil Defense), necessary for basic and applied scientific research, development, test, and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law, to remain available until expended; \$450,000,000: *Provided*, That such amounts as may be determined by the Secretary of Defense to have been made available in other appropriations available to the Department of Defense during the current fiscal year for programs related to advanced research may be transferred to and merged with this appropriation to be available for the same purposes and time period: *Provided further*, That

such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to carry out the purposes of advanced research to those appropriations for military functions under the Department of Defense which are being utilized for related programs, to be merged with and to be available for the same time period as the appropriation to which transferred.

EMERGENCY FUND, DEFENSE

For transfer by the Secretary of Defense, with the approval of the Bureau of the Budget, to any appropriation for military functions under the Department of Defense available for research, development, test, and evaluation, or procurement or production related thereto, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred; \$75,000,000, and, in addition, not to exceed \$150,000,000, to be used upon determination by the Secretary of Defense that such funds can be wisely, profitably, and practically used in the interest of national defense and to be derived by transfer from such appropriations available to the Department of Defense for obligation during the current fiscal year as the Secretary of Defense may designate: *Provided*, That any appropriations transferred shall not exceed 7 per centum of the appropriation from which transferred.

TITLE VI

GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Publicity or prop-
aganda.

SEC. 602. During the current fiscal year, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with 5 U.S.C. 3109, under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

Experts or con-
sultants.

80 Stat. 416.

SEC. 603. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense.

Employment of
noncitizens.

SEC. 604. Appropriations contained in this Act shall be available for insurance of official motor vehicles in foreign countries, when required by laws of such countries; payments in advance of expenses determined by the investigating officer to be necessary and in accord with local custom for conducting investigations in foreign countries incident to matters relating to the activities of the department concerned; reimbursement of General Services Administration for security guard services for protection of confidential files; reimbursement of the Federal Bureau of Investigation for expenses in connection with investigation of defense contractor personnel; and all necessary expenses, at the seat of government of the United States of America or elsewhere, in connection with communication and other

Appropriations,
availability.

Prisoners of
war, etc.

Land acquisi-
tion.

72 Stat. 1459;
76 Stat. 511.
Dependents'
schooling.

64 Stat. 1100;
79 Stat. 27;
81 Stat. 783.

70A Stat. 442.

Occupied areas.

Deficiency
judgments.

Leasing.

56 Stat. 654.
Tools, main-
tenance.

Access roads.

72 Stat. 908.
Milk program.

68 Stat. 900;
81 Stat. 464.

75 Stat. 450.
22 USC 2385.
Articles for
prisoners, etc.

services and supplies as may be necessary to carry out the purposes of this Act.

SEC. 605. Any appropriation available to the Army, Navy, or the Air Force may, under such regulations as the Secretary concerned may prescribe, be used for expenses incident to the maintenance, pay, and allowances of prisoners of war, other persons in Army, Navy, or Air Force custody whose status is determined by the Secretary concerned to be similar to prisoners of war, and persons detained in such custody pursuant to Presidential proclamation.

SEC. 606. Appropriations available to the Department of Defense for the current fiscal year for maintenance or construction shall be available for acquisition of land as authorized by section 2672 of title 10, United States Code.

SEC. 607. Appropriations for the Department of Defense for the current fiscal year shall be available, (a) except as authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for primary and secondary schooling for minor dependents of military and civilian personnel of the Department of Defense residing on military or naval installations or stationed in foreign countries, as authorized for the Navy by section 7204 of title 10, United States Code, in amounts not exceeding \$129,900,000, when the Secretary of the Department concerned finds that schools, if any, available in the locality, are unable to provide adequately for the education of such dependents; (b) for expenses in connection with administration of occupied areas; (c) for payment of rewards as authorized for the Navy by section 7209(a) of title 10, United States Code, for information leading to the discovery of missing naval property or the recovery thereof; (d) for payment of deficiency judgments and interests thereon arising out of condemnation proceedings; (e) for leasing of buildings and facilities including payment of rentals for special purpose space at the seat of government, and in the conduct of field exercises and maneuvers or, in administering the provisions of 43 U.S.C. 315q, rentals may be paid in advance; (f) payments under contracts for maintenance of tools and facilities for twelve months beginning at any time during the fiscal year; (g) maintenance of Defense access roads certified as important to national defense in accordance with section 210 of title 23, United States Code; (h) for the purchase of milk for enlisted personnel of the Department of Defense heretofore made available pursuant to section 1446a, title 7, United States Code, and the cost of milk so purchased, as determined by the Secretary of Defense, shall be included in the value of the commuted ration; (i) transporting civilian clothing to the home of record of selective service inductees and recruits on entering the military services; (j) payments under leases for real or personal property for twelve months beginning at any time during the fiscal year; (k) pay and allowances of not to exceed nine persons, including personnel detailed to International Military Headquarters and Organizations, at rates provided for under section 625(d)(1) of the Foreign Assistance Act of 1961, as amended.

SEC. 608. Appropriations for the Department of Defense for the current fiscal year shall be available for: (a) donations of not to exceed \$25 to each prisoner upon each release from confinement in military or contract prison and to each person discharged for fraudulent enlistment; (b) authorized issues of articles to prisoners, applicants for enlistment and persons in military custody; (c) subsistence of selective service registrants called for induction, applicants for enlistment, prisoners, civilian employees as authorized by law, and supernumeraries when necessitated by emergent military circumstances; (d) reimbursement for subsistence of enlisted personnel

while sick in hospitals; (e) expenses of prisoners confined in nonmilitary facilities; (f) military courts, boards, and commissions; (g) utility services for buildings erected at private cost, as authorized by law, and buildings on military reservations authorized by regulations to be used for welfare and recreational purposes; (h) exchange fees, and losses in the accounts of disbursing officers or agents in accordance with law; (i) expenses of Latin-American cooperation as authorized for the Navy by law (10 U.S.C. 7208); and (j) expenses of apprehension and delivery of deserters, prisoners, and members absent without leave, including payment of rewards of not to exceed \$25 in any one case.

70A Stat. 443.

SEC. 609. Insofar as practicable, the Secretary of Defense shall assist American small business to participate equitably in the furnishing of commodities and services financed with funds appropriated under this Act by making available or causing to be made available to suppliers in the United States, and particularly to small independent enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with funds appropriated under this Act, and by making available or causing to be made available to purchasing and contracting agencies of the Department of Defense information as to commodities and services produced and furnished by small independent enterprises in the United States, and by otherwise helping to give small business an opportunity to participate in the furnishing of commodities and services financed with funds appropriated by this Act.

Assistance to
small business.

SEC. 610. No appropriation contained in this Act shall be available for expenses of operation of messes (other than organized messes the operating expenses of which are financed principally from nonappropriated funds) at which meals are sold to officers or civilians except under regulations approved by the Secretary of Defense, which shall (except under unusual or extraordinary circumstances) establish rates for such meals sufficient to provide reimbursement of operating expenses and food costs to the appropriations concerned: *Provided*, That officers and civilians in a travel status receiving a per diem allowance in lieu of subsistence shall be charged at the rate of not less than \$2.50 per day: *Provided further*, That for the purposes of this section payments for meals at the rates established hereunder may be made in cash or by deduction from the pay of civilian employees: *Provided further*, That members of organized nonprofit youth groups sponsored at either the national or local level, when extended the privilege of visiting a military installation and permitted to eat in the general mess by the commanding officer of the installation, shall pay the commuted ration cost of such meal or meals.

Mess opera-
tions.

SEC. 611. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Fiscal year
limitation.

SEC. 612. Appropriations of the Department of Defense available for operation and maintenance, may be reimbursed during the current fiscal year for all expenses involved in the preparation for disposal and for the disposal of military supplies, equipment, and materiel, and for all expenses of production of lumber or timber products pursuant to section 2665 of title 10, United States Code, from amounts received as proceeds from the sale of any such property: *Provided*, That a report of receipts and disbursements under this limitation shall be made quarterly to Congress: *Provided further*, That no funds available to agencies of the Department of Defense shall be used for the operation, acquisition, or construction of new facilities or equipment for new facilities in the continental limits of the United States

Reimbursable
appropriations.

70A Stat. 149.

Report to
Congress.

for metal scrap baling or shearing or for melting or sweating aluminum scrap unless the Secretary of Defense or an Assistant Secretary of Defense designated by him determines, with respect to each facility involved, that the operation of such facility is in the national interest.

*Apportionment
of funds, exemption.*

31 USC 665.

*Airborne alert
expenses.*

*Increased military personnel,
expenses.*

Report to Congress.

*Commissary
stores.*

*Free utilities
outside U.S. and
in Alaska.*

*Proficiency
flying.*

SEC. 613. (a) During the current fiscal year, the President may exempt appropriations, funds, and contract authorizations, available for military functions under the Department of Defense, from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interests of national defense.

(b) Upon determination by the President that such action is necessary, the Secretary of Defense is authorized to provide for the cost of an airborne alert as an excepted expense in accordance with the provisions of Revised Statutes 3732 (41 U.S.C. 11).

(c) Upon determination by the President that it is necessary to increase the number of military personnel on active duty beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel, as an excepted expense in accordance with the provisions of Revised Statutes 3732 (41 U.S.C. 11).

(d) The Secretary of Defense shall immediately advise Congress of the exercise of any authority granted in this section, and shall report monthly on the estimated obligations incurred pursuant to subsections (b) and (c).

SEC. 614. No appropriation contained in this Act shall be available in connection with the operation of commissary stores of the agencies of the Department of Defense for the cost of purchase (including commercial transportation in the United States to the place of sale but excluding all transportation outside the United States) and maintenance of operating equipment and supplies, and for the actual or estimated cost of utilities as may be furnished by the Government and of shrinkage, spoilage, and pilferage of merchandise under the control of such commissary stores, except as authorized under regulations promulgated by the Secretaries of the military departments concerned, with the approval of the Secretary of Defense, which regulations shall provide for reimbursement therefor to the appropriations concerned and, notwithstanding any other provision of law, shall provide for the adjustment of the sales prices in such commissary stores to the extent necessary to furnish sufficient gross revenue from sales of commissary stores to make such reimbursement: *Provided*, That under such regulations as may be issued pursuant to this section all utilities may be furnished without cost to the commissary stores outside the continental United States and in Alaska: *Provided further*, That no appropriation contained in this Act shall be available in connection with the operation of commissary stores within the continental United States unless the Secretary of Defense has certified that items normally procured from commissary stores are not otherwise available at a reasonable distance and a reasonable price in satisfactory quality and quantity to the military and civilian employees of the Department of Defense.

SEC. 615. Notwithstanding any other provision of law, Executive order, or regulation, no part of the appropriations in this Act shall be available for any expenses of operating aircraft under the jurisdiction of the Armed Forces for the purpose of proficiency flying except in accordance with the regulations issued by the Secretaries of the Departments concerned and approved by the Secretary of Defense which shall establish proficiency standards and maximum and minimum flying hours for this purpose: *Provided*, That without regard to

any provision of law or Executive order prescribing minimum flight requirements, such regulations may provide for the payment of flight pay at the rates prescribed in section 301 of title 37, United States Code, to certain members of the Armed Forces otherwise entitled to receive flight pay during the current fiscal year (1) who have held aeronautical ratings or designations for not less than fifteen years, or (2) whose particular assignment outside the United States or in Alaska makes it impractical to participate in regular aerial flights.

SEC. 616. No part of any appropriation contained in this Act shall be available for expense of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects in any one shipment having a net weight in excess of thirteen thousand five hundred pounds.

SEC. 617. Vessels under the jurisdiction of the Department of Commerce, the Department of the Army, Department of the Air Force, or the Department of the Navy may be transferred or otherwise made available without reimbursement to any such agencies upon the request of the head of one agency and the approval of the agency having jurisdiction of the vessels concerned.

SEC. 618. None of the funds provided in this Act shall be available for training in any legal profession nor for the payment of tuition for training in such profession: *Provided*, That this limitation shall not apply to the off-duty training of military personnel as prescribed by section 621 of this Act.

SEC. 619. Not more than .20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of civilian components or summer-camp training of the Reserve Officers' Training Corps.

SEC. 620. During the current fiscal year the agencies of the Department of Defense may accept the use of real property from foreign countries for the United States in accordance with mutual defense agreements or occupational arrangements and may accept services furnished by foreign countries as reciprocal international courtesies or as services customarily made available without charge; and such agencies may use the same for the support of the United States forces in such areas without specific appropriation therefor.

In addition to the foregoing, agencies of the Department of Defense may accept real property, services, and commodities from foreign countries for the use of the United States in accordance with mutual defense agreements or occupational arrangements and such agencies may use the same for the support of the United States forces in such areas, without specific appropriations therefor: *Provided*, That within thirty days after the end of each quarter the Secretary of Defense shall render to Congress and to the Bureau of the Budget a full report of such property, supplies, and commodities received during such quarter.

SEC. 621. During the current fiscal year, appropriations available to the Department of Defense for research and development may be used for the purposes of section 2353 of title 10, United States Code, and for purposes related to research and development for which expenditures are specifically authorized in other appropriations of the service concerned.

SEC. 622. No appropriation contained in this Act shall be available for the payment of more than 75 per centum of charges of educational institutions for tuition or expenses for off-duty training of military personnel, nor for the payment of any part of tuition or expenses

76 Stat. 461.

Household
goods.Vessels, trans-
fer.Legal training,
restriction.Obligated funds,
1970, limitation.Use of foreign
real property.Report to Con-
gress and Budget
Bureau.Research and
development
funds.

70A Stat. 134.

Tuition pay-
ments, etc.,
restriction.

ROTC, loyalty requirements.

Procurement restrictions.

Bakery, laundry facilities.

Airmail reimbursement.

Furnishings and automobiles, purchase.

Uniforms.

for such training for commissioned personnel who do not agree to remain on active duty for two years after completion of such training.

SEC. 623. No part of the funds appropriated herein shall be expended for the support of any formally enrolled student in basic courses of the senior division, Reserve Officers' Training Corps, who has not executed a certificate of loyalty or loyalty oath in such form as shall be prescribed by the Secretary of Defense.

SEC. 624. No part of any appropriation contained in this Act shall be available for the procurement of any article of food, clothing, cotton, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles) not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that a satisfactory quality and sufficient quantity of any articles of food or clothing or any form of cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, or wool grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: *Provided*, That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions: *Provided further*, That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations: *Provided further*, That none of the funds appropriated in this Act shall be used except that, so far as practicable, all contracts shall be awarded on a formally advertised competitive bid basis to the lowest responsible bidder.

SEC. 625. None of the funds appropriated in this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or dry-cleaning facility in the United States, its Territories or possessions, as to which the Secretary of Defense does not certify in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

SEC. 626. During the current fiscal year, appropriations of the Department of Defense shall be available for reimbursement to the Post Office Department for payment of costs of commercial air transportation of military mail between the United States and foreign countries.

SEC. 627. Appropriations contained in this Act shall be available for the purchase of household furnishings, house trailers (for the purpose of relieving unusual individual losses occasioned by the relocation of personnel from installations in France), and automobiles from military and civilian personnel on duty outside the continental United States, for the purpose of resale at cost to incoming personnel, and for providing furnishings, without charge, in other than public quarters occupied by military or civilian personnel of the Department of Defense on duty outside the continental United States or in Alaska, upon a determination, under regulations approved by the Secretary of Defense, that such action is advantageous to the Government.

SEC. 628. During the current fiscal year, appropriations available to the Department of Defense for pay of civilian employees shall be

available for uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901; 80 Stat. 508).

81 Stat. 206.
Ammunition,
transfer.

SEC. 629. During the current fiscal year, the Secretary of Defense shall, upon requisition of the National Board for the Promotion of Rifle Practice, and without reimbursement, transfer from agencies of the Department of Defense to the Board ammunition from stock or which has been procured for the purpose in such amounts as he may determine.

Such appropriations of the Department of Defense available for obligation during the current fiscal year as may be designated by the Secretary of Defense shall be available for the travel expenses of military and naval personnel, including the reserve components, and members of the Reserve Officers' Training Corps attending regional, national, or international rifle matches.

Travel ex-
penses.

SEC. 630. Funds provided in this Act for congressional liaison activities of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense shall not exceed \$1,150,000: *Provided*, That this amount shall be available for apportionment to the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense as determined by the Secretary of Defense.

Congressional
liaison activities.

SEC. 631. Of the funds made available by this Act for the services of the Military Airlift Command, \$100,000,000 shall be available only for procurement of commercial transportation service from carriers participating in the civil reserve air fleet program; and the Secretary of Defense shall utilize the services of such carriers which qualify as small businesses to the fullest extent found practicable: *Provided*, That the Secretary of Defense shall specify in such procurement, performance characteristics for aircraft to be used based upon modern aircraft operated by the civil air fleet.

Civil reserve
air fleet.

SEC. 632. Not less than \$7,500,000 of the funds made available in this Act for travel expenses in connection with temporary duty and permanent change of station of civilian and military personnel of the Department of Defense shall be available only for the procurement of commercial passenger sea transportation service on American-flag vessels.

Sea transporta-
tion.

SEC. 633. During the current fiscal year, appropriations available to the Department of Defense for operation may be used for civilian clothing, not to exceed \$40 in cost for enlisted personnel: (1) discharged for misconduct, unfitness, unsuitability, or otherwise than honorably; (2) sentenced by a civil court to confinement in a civil prison or interned or discharged as an alien enemy; (3) discharged prior to completion of recruit training under honorable conditions for dependency, hardship, minority, disability, or for the convenience of the Government.

Civilian cloth-
ing.

SEC. 634. No part of the funds appropriated herein shall be available for paying the costs of advertising by any defense contractor, except advertising for which payment is made from profits, and such advertising shall not be considered a part of any defense contract cost. The prohibition contained in this section shall not apply with respect to advertising conducted by any such contractor, in compliance with regulations which shall be promulgated by the Secretary of Defense, solely for (1) the recruitment by that contractor of personnel required for the performance by the contractor of obligations under a defense contract, (2) the procurement of scarce items required by the contractor for the performance of a defense contract, or

Defense con-
tractors' adver-
tising costs,
restrictions.

(3) the disposal of scrap or surplus materials acquired by the contractor in the performance of a defense contract.

New facilities,
restriction.

SEC. 635. Funds appropriated in this Act for maintenance and repair of facilities and installations shall not be available for acquisition of new facilities, or alteration, expansion, extension, or addition of existing facilities, as defined in Department of Defense Directive 7040.2, dated January 18, 1961, in excess of \$25,000: *Provided*, That the Secretary of Defense may amend or change the said directive during the current fiscal year, consistent with the purpose of this section.

Transfer of
funds, authority.

SEC. 636. During the current fiscal year, the Secretary of Defense may, if he deems it vital to the security of the United States and in the national interest to further improve the readiness of the Armed Forces, including the reserve components, transfer under the authority and terms of the Emergency Fund an additional \$200,000,000: *Provided*, That the transfer authority made available under the terms of the Emergency Fund appropriation contained in this Act is hereby broadened to meet the requirements of this section: *Provided further*, That the Secretary of Defense shall notify Congress promptly of all transfers made pursuant to this authority.

Report to
Congress.

Contract pay-
ments in foreign
countries.

SEC. 637. None of the funds appropriated in this Act may be used to make payments under contracts for any program, project, or activity in a foreign country unless the Secretary of Defense or his designee, after consultation with the Secretary of the Treasury or his designee, certifies to the Congress that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law is not feasible for the purpose, stating the reason therefor.

Vietnamese
forces, etc.,
support.

SEC. 638. (a) Appropriations available to the Department of Defense during the current fiscal year shall be available for their stated purposes to support: (1) Vietnamese and other free world forces in Vietnam; (2) local forces in Laos and Thailand; and for related costs, on such terms and conditions as the Secretary of Defense may determine.

Report to
Congress.

Working capital
funds.

76 Stat. 521.

(b) Within thirty days after the end of each quarter, the Secretary of Defense shall render to Congress a report with respect to the estimated value by purpose, by country, of support furnished from such appropriations.

SEC. 639. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds in such amounts as may be determined by the Secretary of Defense, with the approval of the Bureau of the Budget.

Payments pro-
hibited to con-
victed rioters.

SEC. 640. No part of the funds appropriated under this Act shall be used to pay salaries of any Federal employee who is convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

Loans to cam-
pus disruptors,
prohibition.

SEC. 641. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies.

SEC. 642. (a) Amounts, as determined by the Secretary of Defense and approved by the Director of the Bureau of the Budget, of any appropriations of the Department of Defense available for procurement (except Shipbuilding and Conversion, Navy) which (1) will remain unobligated as of the close of any fiscal year for which estimates are submitted and (2) which have been available for obligation for three or more fiscal years, shall be proposed for rescission.

Procurement funds, rescission.

(b) Amounts, as determined by the Secretary of Defense and approved by the Director of the Bureau of the Budget, of any appropriations of the Department of Defense available for Shipbuilding which (1) will remain unobligated as of the close of any fiscal year for which estimates are submitted and (2) which have been available for obligation for five or more fiscal years, shall be proposed for rescission.

Shipbuilding funds, rescission.

(c) Amounts, as determined by the Secretary of Defense and approved by the Director of the Bureau of the Budget, of any appropriations of the Department of Defense available for research, development, test and evaluation (except Emergency Fund, Defense) which (1) will remain unobligated as of the close of any fiscal year for which estimates are submitted and (2) which have been available for obligation for two or more fiscal years, shall be proposed for rescission.

Research and development funds, rescission.

SEC. 643. In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand.

Laos or Thailand.
Introduction of combat troops, prohibition.

This Act may be cited as the "Department of Defense Appropriation Act, 1970."

Short title.

Approved December 29, 1969.

Public Law 91-172

AN ACT To reform the income tax laws.

December 30, 1969
[H. R. 13270]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Tax Reform Act of 1969.

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Tax Reform Act of 1969".

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(c) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

TITLE I—TAX EXEMPT ORGANIZATIONS

Subtitle A—Private Foundations

SEC. 101. PRIVATE FOUNDATIONS.

68A Stat. 163.
26 USC 501-
526.

(a) IN GENERAL.—Subchapter F of chapter 1 (relating to exempt organizations) is amended by redesignating parts II, III, and IV as parts III, IV, and V, respectively, and by inserting after part I the following new part:

“PART II—PRIVATE FOUNDATIONS

“Sec. 507. Termination of private foundation status.

“Sec. 508. Special rules with respect to section 501(c)(3) organizations.

“Sec. 509. Private foundation defined.

“SEC. 507. TERMINATION OF PRIVATE FOUNDATION STATUS.

“(a) GENERAL RULE.—Except as provided in subsection (b), the status of any organization as a private foundation shall be terminated only if—

“(1) such organization notifies the Secretary or his delegate (at such time and in such manner as the Secretary or his delegate may by regulations prescribe) of its intent to accomplish such termination, or

“(2)(A) with respect to such organization, there have been either willful repeated acts (or failures to act), or a willful and flagrant act (or failure to act), giving rise to liability for tax under chapter 42, and

“(B) the Secretary or his delegate notifies such organization that, by reason of subparagraph (A), such organization is liable for the tax imposed by subsection(c),

and either such organization pays the tax imposed by subsection (c) (or any portion not abated under subsection (g)) or the entire amount of such tax is abated under subsection (g).

“(b) SPECIAL RULES.—

“(1) TRANSFER TO, OR OPERATION AS, PUBLIC CHARITY.—The status as a private foundation of any organization, with respect to which there have not been either willful repeated acts (or failures to act) or a willful and flagrant act (or failure to act) giving rise to liability for tax under chapter 42, shall be terminated if—

“(A) such organization distributes all of its net assets to one or more organizations described in section 170(b)(1)

(A) (other than in clauses (vii) and (viii)) each of which has been in existence and so described for a continuous period of at least 60 calendar months immediately preceding such distribution, or

“(B)(i) such organization meets the requirements of paragraph (1), (2), or (3) of section 509(a) by the end of the 12-month period beginning with its first taxable year which begins after December 31, 1969, or for a continuous period of 60 calendar months beginning with the first day of any taxable year which begins after December 31, 1969,

“(ii) such organization notifies the Secretary or his delegate (in such manner as the Secretary or his delegate may by regulations prescribe) before the commencement of such 12-month or 60-month period (or before the 90th day after the day on which regulations first prescribed under this subsection become final) that it is terminating its private foundation status, and

Post, p. 498.

Post, p. 550.

“(iii) such organization establishes to the satisfaction of the Secretary or his delegate (in such manner as the Secretary or his delegate may by regulations prescribe) immediately after the expiration of such 12-month or 60-month period that such organization has complied with clause (i).

If an organization gives notice under subparagraph (B)(ii) of the commencement of a 60-month period and such organization fails to meet the requirements of paragraph (1), (2), or (3) of section 509(a) for the entire 60-month period, this part and chapter 42 shall not apply to such organization for any taxable year within such 60-month period for which it does meet such requirements.

“(2) TRANSFeree FOUNDATIONS.—For purposes of this part, in the case of a transfer of assets of any private foundation to another private foundation pursuant to any liquidation, merger, redemption, recapitalization, or other adjustment, organization, or reorganization, the transferee foundation shall not be treated as a newly created organization.

“(c) IMPOSITION OF TAX.—There is hereby imposed on each organization which is referred to in subsection (a) a tax equal to the lower of—

“(1) the amount which the private foundation substantiates by adequate records or other corroborating evidence as the aggregate tax benefit resulting from the section 501(c)(3) status of such foundation, or

“(2) the value of the net assets of such foundation.

“(d) AGGREGATE TAX BENEFIT.—

“(1) IN GENERAL.—For purposes of subsection (c), the aggregate tax benefit resulting from the section 501(c)(3) status of any private foundation is the sum of—

“(A) the aggregate increases in tax under chapters 1, 11, and 12 (or the corresponding provisions of prior law) which would have been imposed with respect to all substantial contributors to the foundation if deductions for all contributions made by such contributors to the foundation after February 28, 1913, had been disallowed, and

“(B) the aggregate increases in tax under chapter 1 (or the corresponding provisions of prior law) which would have been imposed with respect to the income of the private foundation for taxable years beginning after December 31, 1912, if (i) it had not been exempt from tax under section 501(a) (or the corresponding provisions of prior law), and (ii) in the case of a trust, deductions under section 642(c) (or the corresponding provisions of prior law) had been limited to 20 percent of the taxable income of the trust (computed without the benefit of section 642(c) but with the benefit of section 170(b)(1)(A)), and

“(C) interest on the increases in tax determined under subparagraphs (A) and (B) from the first date on which each such increase would have been due and payable to the date on which the organization ceases to be a private foundation.

“(2) SUBSTANTIAL CONTRIBUTOR.—

“(A) DEFINITION.—For purposes of paragraph (1), the term ‘substantial contributor’ means any person who contributed or bequeathed an aggregate amount of more than \$5,000 to the private foundation, if such amount is more than 2 percent of the total contributions and bequests received by the foundation before the close of the taxable year of the

Post, p. 498.

68A Stat. 163.
26 USC 501.

26 USC 1, 2001.
2501.

Post, p. 558.

Post, p. 550.

foundation in which the contribution or bequest is received by the foundation from such person. In the case of a trust, the term 'substantial contributor' also means the creator of the trust.

"(B) SPECIAL RULES.—For purposes of subparagraph (A)—

"(i) each contribution or bequest shall be valued at fair market value on the date it was received,

"(ii) in the case of a foundation which is in existence on October 9, 1969, all contributions and bequests received on or before such date shall be treated (except for purposes of clause (i)) as if received on such date,

"(iii) an individual shall be treated as making all contributions and bequests made by his spouse, and

"(iv) any person who is a substantial contributor on any date shall remain a substantial contributor for all subsequent periods.

"(3) REGULATIONS.—For purposes of this section, the determination as to whether and to what extent there would have been any increase in tax shall be made in accordance with regulations prescribed by the Secretary or his delegate.

"(e) VALUE OF ASSETS.—For purposes of subsection (c), the value of the net assets shall be determined at whichever time such value is higher: (1) the first day on which action is taken by the organization which culminates in its ceasing to be a private foundation, or (2) the date on which it ceases to be a private foundation.

"(f) LIABILITY IN CASE OF TRANSFERS OF ASSETS FROM PRIVATE FOUNDATION.—For purposes of determining liability for the tax imposed by subsection (c) in the case of assets transferred by the private foundation, such tax shall be deemed to have been imposed on the first day on which action is taken by the organization which culminates in its ceasing to be a private foundation.

"(g) ABATEMENT OF TAXES.—The Secretary or his delegate may abate the unpaid portion of the assessment of any tax imposed by subsection (c), or any liability in respect thereof, if—

"(1) the private foundation distributes all of its net assets to one or more organizations described in section 170(b)(1)(A) (other than in clauses (vii) and (viii)) each of which has been in existence and so described for a continuous period of at least 60 calendar months, or

"(2) following the notification prescribed in section 6104(c) to the appropriate State officer, such State officer within one year notifies the Secretary or his delegate, in such manner as the Secretary or his delegate may by regulations prescribe, that corrective action has been initiated pursuant to State law to insure that the assets of such private foundation are preserved for such charitable or other purposes specified in section 501(c)(3) as may be ordered or approved by a court of competent jurisdiction, and upon completion of the corrective action, the Secretary or his delegate receives certification from the appropriate State officer that such action has resulted in such preservation of assets.

"SEC. 508. SPECIAL RULES WITH RESPECT TO SECTION 501(c)(3) ORGANIZATIONS.

"(a) NEW ORGANIZATIONS MUST NOTIFY SECRETARY THAT THEY ARE APPLYING FOR RECOGNITION OF SECTION 501(c)(3) STATUS.—Except as provided in subsection (c), an organization organized after October 9, 1969, shall not be treated as an organization described in section 501(c)(3)—

Post, p. 550.

Post, p. 523.

68A Stat. 163.
26 USC 501.

“(1) unless it has given notice to the Secretary or his delegate, in such manner as the Secretary or his delegate may by regulations prescribe, that it is applying for recognition of such status, or

“(2) for any period before the giving of such notice, if such notice is given after the time prescribed by the Secretary or his delegate by regulations for giving notice under this subsection.

For purposes of paragraph (2), the time prescribed for giving notice under this subsection shall not expire before the 90th day after the day on which regulations first prescribed under this subsection become final.

“(b) PRESUMPTION THAT ORGANIZATIONS ARE PRIVATE FOUNDATIONS.—Except as provided in subsection (c), any organization (including an organization in existence on October 9, 1969) which is described in section 501(c)(3) and which does not notify the Secretary or his delegate, at such time and in such manner as the Secretary or his delegate may by regulations prescribe, that it is not a private foundation shall be presumed to be a private foundation. The time prescribed for giving notice under this subsection shall not expire before the 90th day after the day on which regulations first prescribed under this subsection become final.

“(c) EXCEPTIONS.—

“(1) MANDATORY EXCEPTIONS.—Subsections (a) and (b) shall not apply to—

“(A) churches, their integrated auxiliaries, and conventions or associations of churches, or

“(B) any organization which is not a private foundation (as defined in section 509(a)) and the gross receipts of which in each taxable year are normally not more than \$5,000.

“(2) EXCEPTIONS BY REGULATIONS.—The Secretary or his delegate may by regulations exempt (to the extent and subject to such conditions as may be prescribed in such regulations) from the provisions of subsection (a) or (b) or both—

“(A) educational organizations which normally maintain a regular faculty and curriculum and normally have a regularly enrolled body of pupils or students in attendance at the place where their educational activities are regularly carried on; and

“(B) any other class of organizations with respect to which the Secretary or his delegate determines that full compliance with the provisions of subsections (a) and (b) is not necessary to the efficient administration of the provisions of this title relating to private foundations.

“(d) DISALLOWANCE OF CERTAIN CHARITABLE, ETC., DEDUCTIONS.—

“(1) GIFT OR BEQUEST TO ORGANIZATIONS SUBJECT TO SECTION 507(c) TAX.—No gift or bequest made to an organization upon which the tax provided by section 507(c) has been imposed shall be allowed as a deduction under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522, if such gift or bequest is made—

“(A) by any person after notification is made under section 507(a), or

“(B) by a substantial contributor (as defined in section 507(d)(2)) in his taxable year which includes the first day on which action is taken by such organization which culminates in the imposition of tax under section 507(c) and any subsequent taxable year.

“(2) GIFT OR BEQUEST TO TAXABLE PRIVATE FOUNDATION, SECTION 4947 TRUST, ETC.—No gift or bequest made to an organization shall be allowed as a deduction under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522, if such gift or bequest is made—

68A Stat. 163.
26 USC 501.

Post, pp. 549,
558, 560-562,
26 USC 170,
545, 556, 642,
2055, 2106, 2522.

Post, p. 517.68A Stat. 163.
26 USC 501.

“(A) to a private foundation or a trust described in section 4947 in a taxable year for which it fails to meet the requirements of subsection (e) (determined without regard to subsection (e)(2) (B) and (C)), or

“(B) to any organization in a period for which it is not treated as an organization described in section 501(c)(3) by reason of subsection (a).

“(3) EXCEPTION.—Paragraph (1) shall not apply if the entire amount of the unpaid portion of the tax imposed by section 507(c) is abated by the Secretary or his delegate under section 507(g).

“(e) GOVERNING INSTRUMENTS.—

“(1) GENERAL RULE.—A private foundation shall not be exempt from taxation under section 501(a) unless its governing instrument includes provisions the effects of which are—

“(A) to require its income for each taxable year to be distributed at such time and in such manner as not to subject the foundation to tax under section 4942, and

“(B) to prohibit the foundation from engaging in any act of self-dealing (as defined in section 4941(d)), from retaining any excess business holdings (as defined in section 4943(c)), from making any investments in such manner as to subject the foundation to tax under section 4944, and from making any taxable expenditures (as defined in section 4945(d)).

“(2) SPECIAL RULES FOR EXISTING PRIVATE FOUNDATIONS.— In the case of any organization organized before January 1, 1970, paragraph (1) shall not apply—

“(A) to any taxable year beginning before January 1, 1972,

“(B) to any period after December 31, 1971, during the pendency of any judicial proceeding begun before January 1, 1972, by the private foundation which is necessary to reform, or to excuse such foundation from compliance with, its governing instrument or any other instrument in order to meet the requirements of paragraph (1), and

“(C) to any period after the termination of any judicial proceeding described in subparagraph (B) during which its governing instrument or any other instrument does not permit it to meet the requirements of paragraph (1).

“SEC. 509. PRIVATE FOUNDATION DEFINED.

“(a) GENERAL RULE.—For purposes of this title, the term ‘private foundation’ means a domestic or foreign organization described in section 501(c)(3) other than—

“(1) an organization described in section 170(b)(1)(A) (other than in clauses (vii) and (viii));

“(2) an organization which—

“(A) normally receives more than one-third of its support in each taxable year from any combination of—

“(i) gifts, grants, contributions, or membership fees, and

“(ii) gross receipts from admissions, sales of merchandise, performance of services, or furnishing of facilities, in an activity which is not an unrelated trade or business (within the meaning of section 513), not including such receipts from any person, or from any bureau or similar agency of a governmental unit (as described in section 170(c)(1)), in any taxable year to the extent such receipts exceed the greater of \$5,000 or 1 percent of the organization’s support in such taxable year,

Post, p. 550.Post, pp. 541,
542.*Post*, p. 553.

from persons other than disqualified persons (as defined in section 4946) with respect to the organization, from governmental units described in section 170(c)(1), or from organizations described in section 170(b)(1)(A) (other than in clauses (vii) and (viii)), and

Post, p. 515.

“(B) normally receives not more than one-third of its support in each taxable year from gross investment income (as defined in subsection (e));

Post, p. 550.

“(3) an organization which—

“(A) is organized, and at all times thereafter is operated, exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more specified organizations described in paragraph (1) or (2),

“(B) is operated, supervised, or controlled by or in connection with one or more organizations described in paragraph (1) or (2), and

“(C) is not controlled directly or indirectly by one or more disqualified persons (as defined in section 4946) other than foundation managers and other than one or more organizations described in paragraph (1) or (2); and

“(4) an organization which is organized and operated exclusively for testing for public safety.

For purposes of paragraph (3), an organization described in paragraph (2) shall be deemed to include an organization described in section 501(c) (4), (5), or (6) which would be described in paragraph (2) if it were an organization described in section 501(c) (3).

68A Stat. 163.
26 USC 501.

“(b) **CONTINUATION OF PRIVATE FOUNDATION STATUS.**—For purposes of this title, if an organization is a private foundation (within the meaning of subsection (a)) on October 9, 1969, or becomes a private foundation on any subsequent date, such organization shall be treated as a private foundation for all periods after October 9, 1969, or after such subsequent date, unless its status as such is terminated under section 507.

“(c) **STATUS OF ORGANIZATION AFTER TERMINATION OF PRIVATE FOUNDATION STATUS.**—For purposes of this part, an organization the status of which as a private foundation is terminated under section 507 shall (except as provided in section 507(b)(2)) be treated as an organization created on the day after the date of such termination.

“(d) **DEFINITION OF SUPPORT.**—For purposes of this part and chapter 42, the term ‘support’ includes (but is not limited to)—

Post, p. 498.

“(1) gifts, grants, contributions, or membership fees,

“(2) gross receipts from admissions, sales of merchandise, performance of services, or furnishing of facilities in any activity which is not an unrelated trade or business (within the meaning of section 513),

Post, pp. 541,
542.

“(3) net income from unrelated business activities, whether or not such activities are carried on regularly as a trade or business,

“(4) gross investment income (as defined in subsection (e)),

“(5) tax revenues levied for the benefit of an organization and either paid to or expended on behalf of such organization, and

“(6) the value of services or facilities (exclusive of services or facilities generally furnished to the public without charge) furnished by a governmental unit referred to in section 170(c)(1) to an organization without charge.

Such term does not include any gain from the sale or other disposition of property which would be considered as gain from the sale or exchange of a capital asset, or the value of exemption from any Federal, State, or local tax or any similar benefit.

Post, p. 536.26 USC 4001-
4931.68A Stat. 163.
26 USC 501.

26 USC 1-1563.

“(e) DEFINITION OF GROSS INVESTMENT INCOME.—For purposes of subsection (d), the term ‘gross investment income’ means the gross amount of income from interest, dividends, rents, and royalties, but not including any such income to the extent included in computing the tax imposed by section 511.”

(b) AMENDMENT OF SUBTITLE D.—Subtitle D (relating to miscellaneous excise taxes) is amended by adding at the end thereof the following new chapter:

“CHAPTER 42.—PRIVATE FOUNDATIONS

- “Sec. 4940. Excise tax based on investment income.
- “Sec. 4941. Taxes on self-dealing.
- “Sec. 4942. Taxes on failure to distribute income.
- “Sec. 4943. Taxes on excess business holdings.
- “Sec. 4944. Taxes on investments which jeopardize charitable purpose.
- “Sec. 4945. Taxes on taxable expenditures.
- “Sec. 4946. Definitions and special rules.
- “Sec. 4947. Application of taxes to certain nonexempt trusts.
- “Sec. 4948. Application of taxes and denial of exemption with respect to certain foreign organizations.

“SEC. 4940. EXCISE TAX BASED ON INVESTMENT INCOME.

“(a) **TAX-EXEMPT FOUNDATIONS.**—There is hereby imposed on each private foundation which is exempt from taxation under section 501(a) for the taxable year, with respect to the carrying on of its activities, a tax equal to 4 percent of the net investment income of such foundation for the taxable year.

“(b) **TAXABLE FOUNDATIONS.**—There is hereby imposed on each private foundation which is not exempt from taxation under section 501(a) for the taxable year, with respect to the carrying on of its activities, a tax equal to—

“(1) the amount (if any) by which the sum of (A) the tax imposed under subsection (a) (computed as if such subsection applied to such private foundation for the taxable year), plus (B) the amount of the tax which would have been imposed under section 511 for the taxable year if such private foundation had been exempt from taxation under section 501(a), exceeds

“(2) the tax imposed under subtitle A on such private foundation for the taxable year.

“(c) NET INVESTMENT INCOME DEFINED.

“(1) **IN GENERAL.**—For purposes of subsection (a), the net investment income is the amount by which (A) the sum of the gross investment income and the net capital gain exceeds (B) the deductions allowed by paragraph (3). Except to the extent inconsistent with the provisions of this section, net investment income shall be determined under the principles of subtitle A.

“(2) **GROSS INVESTMENT INCOME.**—For purposes of paragraph (1), the term ‘gross investment income’ means the gross amount of income from interest, dividends, rents, and royalties, but not including any such income to the extent included in computing the tax imposed by section 511.

“(3) DEDUCTIONS.

“(A) **IN GENERAL.**—For purposes of paragraph (1), there shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred for the production or collection of gross investment income or for the management, conservation, or maintenance of property held for the production of such income, determined with the modifications set forth in subparagraph (B).

“(B) MODIFICATIONS.—For purposes of subparagraph (A)—

“(i) The deduction provided by section 167 shall be allowed, but only on the basis of the straight line method of depreciation.

“(ii) The deduction for depletion provided by section 611 shall be allowed, but such deduction shall be determined without regard to section 613 (relating to percentage depletion).

“(4) CAPITAL GAINS AND LOSSES.—For purposes of paragraph (1) in determining net capital gain—

“(A) There shall be taken into account only gains and losses from the sale or other disposition of property used for the production of interest, dividends, rents, and royalties, and property used for the production of income included in computing the tax imposed by section 511 (except to the extent gain or loss from the sale or other disposition of such property is taken into account for purposes of such tax).

“(B) The basis for determining gain in the case of property held by the private foundation on December 31, 1969, and continuously thereafter to the date of its disposition shall be deemed to be not less than the fair market value of such property on December 31, 1969.

“(C) Losses from sales or other dispositions of property shall be allowed only to the extent of gains from such sales or other dispositions, and there shall be no capital loss carryovers.

“(5) TAX-EXEMPT INCOME.—For purposes of this section, net investment income shall be determined by applying section 103 (relating to interest on certain governmental obligations) and section 265 (relating to expenses and interest relating to tax-exempt income).

*Post, pp. 625,
649.*

*68A Stat. 207.
26 USC 611.*

Post, p. 629.

Post, p. 536.

Post, p. 656.

*68A Stat. 78;
78 Stat. 56.*

“SEC. 4941. TAXES ON SELF-DEALING.

“(a) INITIAL TAXES.—

“(1) **ON SELF-DEALER.**—There is hereby imposed a tax on each act of self-dealing between a disqualified person and a private foundation. The rate of tax shall be equal to 5 percent of the amount involved with respect to the act of self-dealing for each year (or part thereof) in the taxable period. The tax imposed by this paragraph shall be paid by any disqualified person (other than a foundation manager acting only as such) who participates in the act of self-dealing. In the case of a government official (as defined in section 4946(c)), a tax shall be imposed by this paragraph only if such disqualified person participates in the act of self-dealing knowing that it is such an act.

“(2) **ON FOUNDATION MANAGER.**—In any case in which a tax is imposed by paragraph (1), there is hereby imposed on the participation of any foundation manager in an act of self-dealing between a disqualified person and a private foundation, knowing that it is such an act, a tax equal to $2\frac{1}{2}$ percent of the amount involved with respect to the act of self-dealing for each year (or part thereof) in the taxable period, unless such participation is not willful and is due to reasonable cause. The tax imposed by this paragraph shall be paid by any foundation manager who participated in the act of self-dealing.

(b) ADDITIONAL TAXES.—

“(1) ON SELF-DEALER.—In any case in which an initial tax is imposed by subsection (a)(1) on an act of self-dealing by a disqualified person with a private foundation and the act is not corrected within the correction period, there is hereby imposed a tax equal to 200 percent of the amount involved. The tax imposed by this paragraph shall be paid by any disqualified person (other than a foundation manager acting only as such) who participated in the act of self-dealing.

“(2) ON FOUNDATION MANAGER.—In any case in which an additional tax is imposed by paragraph (1), if a foundation manager refused to agree to part or all of the correction, there is hereby imposed a tax equal to 50 percent of the amount involved. The tax imposed by this paragraph shall be paid by any foundation manager who refused to agree to part or all of the correction.

(c) SPECIAL RULES.—For purposes of subsections (a) and (b)—

“(1) JOINT AND SEVERAL LIABILITY.—If more than one person is liable under any paragraph of subsection (a) or (b) with respect to any one act of self-dealing, all such persons shall be jointly and severally liable under such paragraph with respect to such act.

“(2) \$10,000 LIMIT FOR MANAGEMENT.—With respect to any one act of self-dealing, the maximum amount of the tax imposed by subsection (a)(2) shall not exceed \$10,000, and the maximum amount of the tax imposed by subsection (b)(2) shall not exceed \$10,000.

(d) SELF-DEALING.—

“(1) IN GENERAL.—For purposes of this section, the term ‘self-dealing’ means any direct or indirect—

“(A) sale or exchange, or leasing, of property between a private foundation and a disqualified person;

“(B) lending of money or other extension of credit between a private foundation and a disqualified person;

“(C) furnishing of goods, services, or facilities between a private foundation and a disqualified person;

“(D) payment of compensation (or payment or reimbursement of expenses) by a private foundation to a disqualified person;

“(E) transfer to, or use by or for the benefit of, a disqualified person of the income or assets of a private foundation; and

“(F) agreement by a private foundation to make any payment of money or other property to a government official (as defined in section 4946(c)), other than an agreement to employ such individual for any period after the termination of his government service if such individual is terminating his government service within a 90-day period.

(2) SPECIAL RULES.—For purposes of paragraph (1)—

“(A) the transfer of real or personal property by a disqualified person to a private foundation shall be treated as a sale or exchange if the property is subject to a mortgage or similar lien which the foundation assumes or if it is subject to a mortgage or similar lien which a disqualified person placed on the property within the 10-year period ending on the date of the transfer;

“(B) the lending of money by a disqualified person to a private foundation shall not be an act of self-dealing if the loan is without interest or other charge and if the proceeds of the loan are used exclusively for purposes specified in section 501(c)(3);

“(C) the furnishing of goods, services, or facilities by a disqualified person to a private foundation shall not be an act of self-dealing if the furnishing is without charge and if the goods, services, or facilities so furnished are used exclusively for purposes specified in section 501(c)(3);

68A Stat. 163.
26 USC 501.

“(D) the furnishing of goods, services, or facilities by a private foundation to a disqualified person shall not be an act of self-dealing if such furnishing is made on a basis no more favorable than that on which such goods, services, or facilities are made available to the general public;

“(E) except in the case of a government official (as defined in section 4946(c)), the payment of compensation (and the payment or reimbursement of expenses) by a private foundation to a disqualified person for personal services which are reasonable and necessary to carrying out the exempt purpose of the private foundation shall not be an act of self-dealing if the compensation (or payment or reimbursement) is not excessive;

“(F) any transaction between a private foundation and a corporation which is a disqualified person (as defined in section 4946(a)), pursuant to any liquidation, merger, redemption, recapitalization, or other corporate adjustment, organization, or reorganization, shall not be an act of self-dealing if all of the securities of the same class as that held by the foundation are subject to the same terms and such terms provide for receipt by the foundation of no less than fair market value; and

“(G) in the case of a government official (as defined in section 4946(c)), paragraph (1) shall in addition not apply to—

“(i) prizes and awards which are subject to the provisions of section 74(b), if the recipients of such prizes and awards are selected from the general public,

“(ii) scholarships and fellowship grants which are subject to the provisions of section 117(a) and are to be used for study at an educational institution described in section 151(e)(4),

“(iii) any annuity or other payment (forming part of a stock-bonus, pension, or profit-sharing plan) by a trust which is a qualified trust under section 401,

“(iv) any annuity or other payment under a plan which meets the requirements of section 404(a)(2),

“(v) any contribution or gift (other than a contribution or gift of money) to, or services or facilities made available to, any such individual, if the aggregate value of such contributions, gifts, services, and facilities to, or made available to, such individual during any calendar year does not exceed \$25,

“(vi) any payment made under chapter 41 of title 5, United States Code, or

“(vii) any payment or reimbursement of traveling expenses for travel solely from one point in the United States to another point in the United States, but only if such payment or reimbursement does not exceed the actual cost of the transportation involved plus an amount for all other traveling expenses not in excess of 125 percent of the maximum amount payable under section 5702(a) of title 5, United States Code, for like travel by employees of the United States.

80 Stat. 432.
5 USC 4101-
4118.

Ante, p. 190.

“(e) OTHER DEFINITIONS.—For purposes of this section—

“(1) TAXABLE PERIOD.—The term ‘taxable period’ means, with respect to any act of self-dealing, the period beginning with the date on which the act of self-dealing occurs and ending on whichever of the following is the earlier: (A) the date of mailing of a notice of deficiency with respect to the tax imposed by subsection (a)(1) under section 6212, or (B) the date on which correction of the act of self-dealing is completed.

“(2) AMOUNT INVOLVED.—The term ‘amount involved’ means, with respect to any act of self-dealing, the greater of the amount of money and the fair market value of the other property given or the amount of money and the fair market value of the other property received; except that, in the case of services described in subsection (d)(2)(E), the amount involved shall be only the excess compensation. For purposes of the preceding sentence, the fair market value—

“(A) in the case of the taxes imposed by subsection (a), shall be determined as of the date on which the act of self-dealing occurs; and

“(B) in the case of the taxes imposed by subsection (b), shall be the highest fair market value during the correction period.

“(3) CORRECTION.—The terms ‘correction’ and ‘correct’ mean, with respect to any act of self-dealing, undoing the transaction to the extent possible, but in any case placing the private foundation in a financial position not worse than that in which it would be if the disqualified person were dealing under the highest fiduciary standards.

“(4) CORRECTION PERIOD.—The term ‘correction period’ means, with respect to any act of self-dealing, the period beginning with the date on which the act of self-dealing occurs and ending 90 days after the date of mailing of a notice of deficiency with respect to the tax imposed by subsection (b)(1) under section 6212, extended by—

“(A) any period in which a deficiency cannot be assessed under section 6213(a), and

“(B) any other period which the Secretary or his delegate determines is reasonable and necessary to bring about correction of the act of self-dealing.

“SEC. 4942. TAXES ON FAILURE TO DISTRIBUTE INCOME.

“(a) INITIAL TAX.—There is hereby imposed on the undistributed income of a private foundation for any taxable year, which has not been distributed before the first day of the second (or any succeeding) taxable year following such taxable year (if such first day falls within the taxable period), a tax equal to 15 percent of the amount of such income remaining undistributed at the beginning of such second (or succeeding) taxable year. The tax imposed by this subsection shall not apply to the undistributed income of a private foundation—

“(1) for any taxable year for which it is an operating foundation (as defined in subsection (j)(3)), or

“(2) to the extent that the foundation failed to distribute any amount solely because of an incorrect valuation of assets under subsection (e), if—

“(A) the failure to value the assets properly was not willful and was due to reasonable cause,

“(B) such amount is distributed as qualifying distributions (within the meaning of subsection (g)) by the foundation

during the allowable distribution period (as defined in subsection (j)(4)),

“(C) the foundation notifies the Secretary or his delegate that such amount has been distributed (within the meaning of subparagraph (B)) to correct such failure, and

“(D) such distribution is treated under subsection (h)(2) as made out of the undistributed income for the taxable year for which a tax would (except for this paragraph) have been imposed under this subsection.

“(b) ADDITIONAL TAX.—In any case in which an initial tax is imposed under subsection (a) on the undistributed income of a private foundation for any taxable year, if any portion of such income remains undistributed at the close of the correction period, there is hereby imposed a tax equal to 100 percent of the amount remaining undistributed at such time.

“(c) UNDISTRIBUTED INCOME.—For purposes of this section, the term ‘undistributed income’ means, with respect to any private foundation for any taxable year as of any time, the amount by which—

“(1) the distributable amount for such taxable year, exceeds

“(2) the qualifying distributions made before such time out of such distributable amount.

“(d) DISTRIBUTABLE AMOUNT.—For purposes of this section, the term ‘distributable amount’ means, with respect to any foundation for any taxable year, an amount equal to—

“(1) the minimum investment return or the adjusted net income (whichever is higher), reduced by

“(2) the sum of the taxes imposed on such private foundation for the taxable year under subtitle A and section 4940.

“(e) MINIMUM INVESTMENT RETURN.—

“(1) IN GENERAL.—For purposes of subsection (d), the minimum investment return for any private foundation for any taxable year is the amount determined by multiplying—

“(A) the excess of (i) the aggregate fair market value of all assets of the foundation other than those being used (or held for use) directly in carrying out the foundation’s exempt purpose over (ii) the acquisition indebtedness with respect to such assets (determined under section 514(c)(1), but without regard to the taxable year in which the indebtedness was incurred), by

“(B) the applicable percentage for such year, determined under paragraph (3).

“(2) VALUATION.—For purposes of paragraph (1)(A), the fair market value of securities for which market quotations are readily available shall be determined on a monthly basis. For all other assets, the fair market value shall be determined at such times and in such manner as the Secretary or his delegate shall by regulations prescribe.

“(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1)(B), the applicable percentage for taxable years beginning in 1970 is 6 percent. The applicable percentage for any taxable year beginning after 1970 shall be determined and published by the Secretary or his delegate and shall bear a relationship to 6 percent which the Secretary or his delegate determines to be comparable to the relationship which the money rates and investment yields for the calendar year immediately preceding the beginning of the taxable year bear to the money rates and investment yields for the calendar year 1969.

“(4) TRANSITIONAL RULES.—

“For special rules applicable to organizations created before May 27, 1969, see section 101(l)(3) of the Tax Reform Act of 1969.

Definition.

Definition.

26 USC 1-1563.

Post, p. 545.

Post, p. 534.

“(f) ADJUSTED NET INCOME.—

“(1) **DEFINED.**—For purposes of subsection (d), the term ‘adjusted net income’ means the excess (if any) of—

“(A) the gross income for the taxable year (determined with the income modifications provided by paragraph (2)), over

“(B) the sum of the deductions (determined with the deduction modifications provided by paragraph (3)) which would be allowed to a corporation subject to the tax imposed by section 11 for the taxable year.

“(2) **INCOME MODIFICATIONS.**—The income modifications referred to in paragraph (1)(A) are as follows:

“(A) section 103 (relating to interest on certain governmental obligations) shall not apply,

“(B) capital gains and losses from the sale or other disposition of property shall be taken into account only in an amount equal to any net short-term capital gain for the taxable year; and

“(C) there shall be taken into account—

“(i) amounts received or accrued as repayments of amounts which were taken into account as a qualifying distribution within the meaning of subsection (g)(1)(A) for any taxable year;

“(ii) notwithstanding subparagraph (B), amounts received or accrued from the sale or other disposition of property to the extent that the acquisition of such property was taken into account as a qualifying distribution (within the meaning of subsection (g)(1)(B)) for any taxable year; and

“(iii) any amount set aside under subsection (g)(2) to the extent it is determined that such amount is not necessary for the purposes for which it was set aside.

“(3) **DEDUCTION MODIFICATIONS.**—The deduction modifications referred to in paragraph (1)(B) are as follows:

“(A) no deduction shall be allowed other than all the ordinary and necessary expenses paid or incurred for the production or collection of gross income or for the management, conservation, or maintenance of property held for the production of such income and the allowances for depreciation and depletion determined under section 4940(c)(3)(B), and

“(B) section 265 (relating to expenses and interest relating to tax-exempt interest) shall not apply.

“(4) **TRANSITIONAL RULE.**—For purposes of paragraph (2)(B), the basis (for purposes of determining gain) of property held by a private foundation on December 31, 1969, and continuously thereafter to the date of its disposition, shall be deemed to be not less than the fair market value of such property on December 31, 1969.

“(g) QUALIFYING DISTRIBUTIONS DEFINED.—

“(1) **IN GENERAL.**—For purposes of this section, the term ‘qualifying distribution’ means—

“(A) any amount (including administrative expenses) paid to accomplish one or more purposes described in section 170(c)(2)(B), other than any contribution to (i) an organization controlled (directly or indirectly) by the foundation or one or more disqualified persons (as defined in section 4946) with respect to the foundation, except as provided in paragraph (3), or (ii) a private foundation which is not an operating foundation (as defined in subsection (j)(3)), except as provided in paragraph (3), or

“(B) any amount paid to acquire an asset used (or held for use) directly in carrying out one or more purposes described in section 170(c)(2)(B).

Post, p. 553.

“(2) CERTAIN SET-ASIDES.—Subject to such terms and conditions as may be prescribed by the Secretary or his delegate, an amount set aside for a specific project which comes within one or more purposes described in section 170(c)(2)(B) may be treated as a qualifying distribution, but only if, at the time of the set-aside, the private foundation establishes to the satisfaction of the Secretary or his delegate that—

“(A) the amount will be paid for the specific project within 5 years, and

“(B) the project is one which can be better accomplished by such set-aside than by immediate payment of funds. For good cause shown, the period for paying the amount set aside may be extended by the Secretary or his delegate.

“(3) CERTAIN CONTRIBUTIONS TO SECTION 501(C)(3) ORGANIZATIONS.—For purposes of this section, the term ‘qualifying distribution’ includes a contribution to a section 501(c)(3) organization described in paragraph (1)(A)(i) or (ii) if—

“(A) not later than the close of the first taxable year after its taxable year in which such contribution is received, such organization makes a distribution equal to the amount of such contribution and such distribution is a qualifying distribution (within the meaning of paragraph (1) or (2), without regard to this paragraph) which is treated under subsection (h) as a distribution out of corpus (or would be so treated if such section 501(c)(3) organization were a private foundation which is not an operating foundation), and

“(B) the private foundation making the contribution obtains adequate records or other sufficient evidence from such organization showing that the qualifying distribution described in subparagraph (A) has been made by such organization.

“(h) TREATMENT OF QUALIFYING DISTRIBUTIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), any qualifying distribution made during a taxable year shall be treated as made—

“(A) first out of the undistributed income of the immediately preceding taxable year (if the private foundation was subject to the tax imposed by this section for such preceding taxable year) to the extent thereof,

“(B) second out of the undistributed income for the taxable year to the extent thereof, and

“(C) then out of corpus.

For purposes of this paragraph, distributions shall be taken into account in the order of time in which made.

“(2) CORRECTION OF DEFICIENT DISTRIBUTIONS FOR PRIOR TAXABLE YEARS, ETC.—In the case of any qualifying distribution which (under paragraph (1)) is not treated as made out of the undistributed income of the immediately preceding taxable year, the foundation may elect to treat any portion of such distribution as made out of the undistributed income of a designated prior taxable year or out of corpus. The election shall be made by the foundation at such time and in such manner as the Secretary or his delegate shall by regulations prescribe.

68A Stat. 163.
26 USC 501.

“(i) ADJUSTMENT OF DISTRIBUTABLE AMOUNT WHERE DISTRIBUTIONS DURING PRIOR YEARS HAVE EXCEEDED INCOME.—

“(1) IN GENERAL.—If, for the taxable years in the adjustment period for which an organization is a private foundation—

“(A) the aggregate qualifying distributions treated (under subsection (h)) as made out of the undistributed income for such taxable year or as made out of corpus (except to the extent subsection (g)(3) with respect to the recipient private foundation or section 170(b)(1)(E)(ii) applies) during such taxable years, exceed

“(B) the distributable amounts for such taxable years (determined without regard to this subsection), then, for purposes of this section (other than subsection (h)), the distributable amount for the taxable year shall be reduced by an amount equal to such excess.

“(2) TAXABLE YEARS IN ADJUSTMENT PERIOD.—For purposes of paragraph (1), with respect to any taxable year of a private foundation the taxable years in the adjustment period are the taxable years (not exceeding 5) beginning after December 31, 1969, and immediately preceding the taxable year.

“(j) OTHER DEFINITIONS.—For purposes of this section—

“(1) TAXABLE PERIOD.—The term ‘taxable period’ means, with respect to the undistributed income for any taxable year, the period beginning with the first day of the taxable year and ending on the date of mailing of a notice of deficiency with respect to the tax imposed by subsection (a) under section 6212.

“(2) CORRECTION PERIOD.—The term ‘correction period’ means, with respect to any private foundation for any taxable year, the period beginning with the first day of the taxable year and ending 90 days after the date of mailing of a notice of deficiency (with respect to the tax imposed by subsection (b)) under section 6212, extended by—

“(A) any period in which a deficiency cannot be assessed under section 6213(a), and

“(B) any other period which the Secretary or his delegate determines is reasonable and necessary to permit a distribution of undistributed income under this section.

“(3) OPERATING FOUNDATION.—For purposes of this section, the term ‘operating foundation’ means any organization—

“(A) which makes qualifying distributions (within the meaning of paragraph (1) or (2) of subsection (g)) directly for the active conduct of the activities constituting the purpose or function for which it is organized and operated equal to substantially all of its adjusted net income (as defined in subsection (f)); and

“(B)(i) substantially more than half of the assets of which are devoted directly to such activities or to functionally related businesses (as defined in paragraph (5)), or to both, or are stock of a corporation which is controlled by the foundation and substantially all of the assets of which are so devoted,

“(ii) which normally makes qualifying distributions (within the meaning of paragraph (1) or (2) of subsection (g)) directly for the active conduct of the activities constituting the purpose or function for which it is organized and operated in an amount not less than two-thirds of its minimum investment return (as defined in subsection (e)), or

“(iii) substantially all of the support (other than gross investment income as defined in section 509(e)) of which is normally received from the general public and from 5 or more exempt organizations which are not described in section 4946 (a)(1)(H) with respect to each other or the recipient foundation; not more than 25 percent of the support (other than gross investment income) of which is normally received from any one such exempt organization; and not more than half of the support of which is normally received from gross investment income.

Ante, p. 496.

“(4) ALLOWABLE DISTRIBUTION PERIOD.—The term ‘allowable distribution period’ means, with respect to any private foundation, the period beginning with the first day of the first taxable year following the taxable year in which the incorrect valuation (described in subsection (a)(2)) occurred and ending 90 days after the date of mailing of a notice of deficiency (with respect to the tax imposed by subsection (a)) under section 6212 extended by—

Definition.

“(A) any period in which a deficiency cannot be assessed under section 6213(a), and

“(B) any other period which the Secretary or his delegate determines is reasonable and necessary to permit a distribution of undistributed income under this section.

“(5) FUNCTIONALLY RELATED BUSINESS.—The term ‘functionally related business’ means—

Definition.

“(A) a trade or business which is not an unrelated trade or business (as defined in section 513), or

“(B) an activity which is carried on within a larger aggregate of similar activities or within a larger complex of other endeavors which is related (aside from the need of the organization for income or funds or the use it makes of the profits derived) to the exempt purposes of the organization.

*Post, pp. 541,
542.*

“SEC. 4943. TAXES ON EXCESS BUSINESS HOLDINGS.

“(a) INITIAL TAX.—

“(1) IMPOSITION.—There is hereby imposed on the excess business holdings of any private foundation in a business enterprise during any taxable year which ends during the taxable period a tax equal to 5 percent of the value of such holdings.

“(2) SPECIAL RULES.—The tax imposed by paragraph (1)—

“(A) shall be imposed on the last day of the taxable year, but

“(B) with respect to the private foundation’s holdings in any business enterprise, shall be determined as of that day during the taxable year when the foundation’s excess holdings in such enterprise were the greatest.

“(b) ADDITIONAL TAX.—In any case in which an initial tax is imposed under subsection (a) with respect to the holdings of a private foundation in any business enterprise, if, at the close of the correction period with respect to such holdings, the foundation still has excess business holdings in such enterprise, there is hereby imposed a tax equal to 200 percent of such excess business holdings.

“(c) EXCESS BUSINESS HOLDINGS.—For purposes of this section—

Definition.

“(1) IN GENERAL.—The term ‘excess business holdings’ means, with respect to the holdings of any private foundation in any business enterprise, the amount of stock or other interest in the enterprise which the foundation would have to dispose of to a person other than a disqualified person in order for the remaining

*68A Stat. 770.
26 USC 6212.*

holdings of the foundation in such enterprise to be permitted holdings.

“(2) PERMITTED HOLDINGS IN A CORPORATION.—

“(A) IN GENERAL.—The permitted holdings of any private foundation in an incorporated business enterprise are—

“(i) 20 percent of the voting stock, reduced by

“(ii) the percentage of the voting stock owned by all disqualified persons.

In any case in which all disqualified persons together do not own more than 20 percent of the voting stock of an incorporated business enterprise, nonvoting stock held by the private foundation shall also be treated as permitted holdings.

“(B) 35 PERCENT RULE WHERE THIRD PERSON HAS EFFECTIVE CONTROL OF ENTERPRISE.—If—

“(i) the private foundation and all disqualified persons together do not own more than 35 percent of the voting stock of an incorporated business enterprise, and

“(ii) it is established to the satisfaction of the Secretary or his delegate that effective control of the corporation is in one or more persons who are not disqualified persons with respect to the foundation,

then subparagraph (A) shall be applied by substituting 35 percent for 20 percent.

“(C) 2 PERCENT DE MINIMIS RULE.—A private foundation shall not be treated as having excess business holdings in any corporation in which it (together with all other private foundations which are described in section 4946(a)(1)(H)) owns not more than 2 percent of the voting stock and not more than 2 percent in value of all outstanding shares of all classes of stock.

“(3) PERMITTED HOLDINGS IN PARTNERSHIPS, ETC.—The permitted holdings of a private foundation in any business enterprise which is not incorporated shall be determined under regulations prescribed by the Secretary or his delegate. Such regulations shall be consistent in principle with paragraphs (2) and (4), except that—

“(A) in the case of a partnership or joint venture, ‘profits interest’ shall be substituted for ‘voting stock’, and ‘capital interest’ shall be substituted for ‘nonvoting stock’,

“(B) in the case of a proprietorship, there shall be no permitted holdings, and

“(C) in any other case, ‘beneficial interest’ shall be substituted for ‘voting stock’.

“(4) PRESENT HOLDINGS.—

“(A)(i) In applying this section with respect to the holdings of any private foundation in a business enterprise, if such foundation and all disqualified persons together have holdings in such enterprise in excess of 20 percent of the voting stock on May 26, 1969, the percentage of such holdings shall be substituted for ‘20 percent,’ and for ‘35 percent’ (if the percentage of such holdings is greater than 35 percent), wherever it appears in paragraph (2), but in no event shall the percentage so substituted be more than 50 percent.

“(ii) If the percentage of the holdings of any private foundation and all disqualified persons together in a business enterprise (or if the percentage of the holdings of the private foundation in such enterprise) decreases for any reason, clause (i) and subparagraph (D) shall, except as provided

in the next sentence, be applied for all periods after such decrease by substituting such decreased percentage for the percentage held on May 26, 1969, but in no event shall the percentage substituted be less than 20 percent. For purposes of this clause, any decrease in percentage holdings attributable to issuances of stock (or to issuances of stock coupled with redemptions of stock) shall be determined only as of the close of each taxable year of the private foundation unless the aggregate of the percentage decreases attributable to the issuances of stock (or such issuances and redemptions) during such taxable year equals or exceeds 1 percent.

“(iii) The percentage substituted under clause (i), and any percentage substituted under subparagraph (D), shall be applied both with respect to the voting stock and, separately, with respect to the value of all outstanding shares of all classes of stock.

“(iv) In the case of any merger, recapitalization, or other reorganization involving one or more business enterprises, the application of clauses (i), (ii), and (iii) shall be determined under regulations prescribed by the Secretary or his delegate.

“(B) Any interest in a business enterprise which a private foundation holds on May 26, 1969, if the private foundation on such date has excess business holdings, shall (while held by the foundation) be treated as held by a disqualified person (rather than by the private foundation)—

“(i) during the 20-year period beginning on such date, if the private foundation has more than a 95 percent voting stock interest on such date,

“(ii) except as provided in clause (i), during the 15-year period beginning on such date, if the foundation and all disqualified persons have more than a 75 percent voting stock interest (or more than a 75 percent profits or beneficial interest in the case of any unincorporated enterprise) on such date or more than a 75 percent interest in the value of all outstanding shares of all classes of stock (or more than a 75 percent capital interest in the case of a partnership or joint venture) on such date, or

“(iii) during the 10-year period beginning on such date, in any other case.

“(C) The 20-year, 15-year, and 10-year periods described in subparagraph (B) for the disposition of excess business holdings shall be suspended during the pendency of any judicial proceeding by the private foundation which is necessary to reform, or to excuse such foundation from compliance with, its governing instrument or any other instrument (as in effect on May 26, 1969) in order to allow disposition of such holdings.

“(D) (i) If, at any time during the second phase, all disqualified persons together have holdings in a business enterprise in excess of 2 percent of the voting stock of such enterprise, then subparagraph (A) (i) shall be applied by substituting for ‘50 percent’ the following: ‘50 percent, of which not more than 25 percent shall be voting stock held by the private foundation’.

“(ii) If, immediately before the close of the second phase, clause (i) of this subparagraph did not apply with respect to a business enterprise, then for all periods after the close of the

second phase subparagraph (A) (i) shall be applied by substituting for '50 percent' the following: '35 percent, or if at any time after the close of the second phase all disqualified persons together have had holdings in such enterprise which exceed 2 percent of the voting stock, 35 percent, of which not more than 25 percent shall be voting stock held by the private foundation'.

"(iii) For purposes of this subparagraph, the term 'second phase' means the 15-year period immediately following the 20-year, 15-year, or 10-year period described in subparagraph (B), whichever applies, as modified by subparagraph (C).

"(E) Clause (ii) of subparagraph (B) shall not apply with respect to any business enterprise if before January 1, 1971, one or more individuals who are substantial contributors (or members of the family (within the meaning of section 4946(d)) of one or more substantial contributors) to the private foundation and who on May 26, 1969, held more than 15 percent of the voting stock of the enterprise elect, in such manner as the Secretary or his delegate may by regulations prescribe, not to have such clause (ii) apply with respect to such enterprise.

"(5) HOLDINGS ACQUIRED BY TRUST OR WILL.—Paragraph (4) (other than subparagraph (B)(i)) shall apply to any interest in a business enterprise which a private foundation acquires under the terms of a trust which was irrevocable on May 26, 1969, or under the terms of a will executed on or before such date, which are in effect on such date and at all times thereafter, as if such interest were held on May 26, 1969, except that the 15-year and 10-year periods prescribed in clauses (ii) and (iii) of paragraph (4)(B) shall commence with respect to such interest on the date of distribution under the trust or will in lieu of May 26, 1969.

"(6) 5-YEAR PERIOD TO DISPOSE OF GIFTS, BEQUESTS, ETC.—Except as provided in paragraph (5), if, after May 26, 1969, there is a change in the holdings in a business enterprise (other than by purchase by the private foundation or by a disqualified person) which causes the private foundation to have—

"(A) excess business holdings in such enterprise, the interest of the foundation in such enterprise (immediately after such change) shall (while held by the foundation) be treated as held by a disqualified person (rather than by the foundation) during the 5-year period beginning on the date of such change in holdings; or

"(B) an increase in excess business holdings in such enterprise (determined without regard to subparagraph (A)), subparagraph (A) shall apply, except that the excess holdings immediately preceding the increase therein shall not be treated, solely because of such increase, as held by a disqualified person (rather than by the foundation).

"(d) DEFINITIONS; SPECIAL RULES.—For purposes of this section—

"(1) BUSINESS HOLDINGS.—In computing the holdings of a private foundation, or a disqualified person (as defined in section 4946) with respect thereto, in any business enterprise, any stock or other interest owned, directly or indirectly, by or for a corporation, partnership, estate, or trust shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries. The preceding sentence shall not apply with respect to an income or remainder interest of a private foundation in a trust described in section 4947(a)(2), but only if, in the case of

property transferred in trust after May 26, 1969, such foundation holds only an income interest or only a remainder interest in such trust.

“(2) TAXABLE PERIOD.—The term ‘taxable period’ means, with respect to any excess business holdings of a private foundation in a business enterprise, the period beginning on the first day on which there are such excess holdings and ending on the date of mailing of a notice of deficiency with respect to the tax imposed by subsection (a) under section 6212 in respect of such holdings.

“(3) CORRECTION PERIOD.—The term ‘correction period’ means, with respect to excess business holdings of a private foundation in a business enterprise, the period ending 90 days after the date of mailing of a notice of deficiency (with respect to the tax imposed by subsection (b)) under section 6212, extended by—

“(A) any period in which a deficiency cannot be assessed under section 6213(a), and

“(B) any other period which the Secretary or his delegate determines is reasonable and necessary to permit orderly disposition of such excess business holdings.

“(4) BUSINESS ENTERPRISE.—The term ‘business enterprise’ does not include—

“(A) a functionally related business (as defined in section 4942(j)(5)), or

“(B) a trade or business at least 95 percent of the gross income of which is derived from passive sources.

For purposes of subparagraph (B), gross income from passive sources includes the items excluded by section 512(b), (1), (2), (3), and (5), and income from the sale of goods (including charges or costs passed on at cost to purchasers of such goods or income received in settlement of a dispute concerning or in lieu of the exercise of the right to sell such goods) if the seller does not manufacture, produce, physically receive or deliver, negotiate sales of, or maintain inventories in such goods.

68A Stat. 770.
26 USC 6212.

Post, p. 538.
26 USC 512.

“SEC. 4944. TAXES ON INVESTMENTS WHICH JEOPARDIZE CHARITABLE PURPOSE.

“(a) INITIAL TAXES.—

“(1) ON THE PRIVATE FOUNDATION.—If a private foundation invests any amount in such a manner as to jeopardize the carrying out of any of its exempt purposes, there is hereby imposed on the making of such investment a tax equal to 5 percent of the amount so invested for each year (or part thereof) in the taxable period. The tax imposed by this paragraph shall be paid by the private foundation.

“(2) ON THE MANAGEMENT.—In any case in which a tax is imposed by paragraph (1), there is hereby imposed on the participation of any foundation manager in the making of the investment, knowing that it is jeopardizing the carrying out of any of the foundation’s exempt purposes, a tax equal to 5 percent of the amount so invested for each year (or part thereof) in the taxable period, unless such participation is not willful and is due to reasonable cause. The tax imposed by this paragraph shall be paid by any foundation manager who participated in the making of the investment.

“(b) ADDITIONAL TAXES.—

“(1) ON THE FOUNDATION.—In any case in which an initial tax is imposed by subsection (a)(1) on the making of an investment and such investment is not removed from jeopardy within the correction period, there is hereby imposed a tax equal to 25 percent of

the amount of the investment. The tax imposed by this paragraph shall be paid by the private foundation.

“(2) ON THE MANAGEMENT.—In any case in which an additional tax is imposed by paragraph (1), if a foundation manager refused to agree to part or all of the removal from jeopardy, there is hereby imposed a tax equal to 5 percent of the amount of the investment. The tax imposed by this paragraph shall be paid by any foundation manager who refused to agree to part or all of the removal from jeopardy.

Post, p. 553.

“(c) EXCEPTION FOR PROGRAM-RELATED INVESTMENTS.—For purposes of this section, investments, the primary purpose of which is to accomplish one or more of the purposes described in section 170(c) (2)(B), and no significant purpose of which is the production of income or the appreciation of property, shall not be considered as investments which jeopardize the carrying out of exempt purposes.

“(d) SPECIAL RULES.—For purposes of subsections (a) and (b)—

“(1) JOINT AND SEVERAL LIABILITY.—If more than one person is liable under subsection (a) (2) or (b) (2) with respect to any one investment, all such persons shall be jointly and severally liable under such paragraph with respect to such investment.

“(2) LIMIT FOR MANAGEMENT.—With respect to any one investment, the maximum amount of the tax imposed by subsection (a) (2) shall not exceed \$5,000, and the maximum amount of the tax imposed by subsection (b) (2) shall not exceed \$10,000.

“(e) DEFINITIONS.—For purposes of this section—

“(1) TAXABLE PERIOD.—The term ‘taxable period’ means, with respect to any investment which jeopardizes the carrying out of exempt purposes, the period beginning with the date on which the amount is so invested and ending on whichever of the following is the earlier: (A) the date of mailing of a notice of deficiency with respect to the tax imposed by subsection (a) (1) under section 6212, or (B) the date on which the amount so invested is removed from jeopardy.

“(2) REMOVAL FROM JEOPARDY.—An investment which jeopardizes the carrying out of exempt purposes shall be considered to be removed from jeopardy when such investment is sold or otherwise disposed of, and the proceeds of such sale or other disposition are not investments which jeopardize the carrying out of exempt purposes.

“(3) CORRECTION PERIOD.—The term ‘correction period’ means, with respect to any investment which jeopardizes the carrying out of exempt purposes, the period beginning with the date on which such investment is entered into and ending 90 days after the date of mailing of a notice of deficiency with respect to the tax imposed by subsection (b) (1) under section 6212, extended by—

“(A) any period in which a deficiency cannot be assessed under section 6213(a), and

“(B) any other period which the Secretary or his delegate determines is reasonable and necessary to bring about removal from jeopardy.

“SEC. 4945. TAXES ON TAXABLE EXPENDITURES.

“(a) INITIAL TAXES.—

“(1) ON THE FOUNDATION.—There is hereby imposed on each taxable expenditure (as defined in subsection (d)) a tax equal to 10 percent of the amount thereof. The tax imposed by this paragraph shall be paid by the private foundation.

“(2) ON THE MANAGEMENT.—There is hereby imposed on the agreement of any foundation manager to the making of an expenditure, knowing that it is a taxable expenditure, a tax equal to 2½ percent of the amount thereof, unless such agreement is not willful and is due to reasonable cause. The tax imposed by this paragraph shall be paid by any foundation manager who agreed to the making of the expenditure.

“(b) ADDITIONAL TAXES.—

“(1) ON THE FOUNDATION.—In any case in which an initial tax is imposed by subsection (a) (1) on a taxable expenditure and such expenditure is not corrected within the correction period, there is hereby imposed a tax equal to 100 percent of the amount of the expenditure. The tax imposed by this paragraph shall be paid by the private foundation.

“(2) ON THE MANAGEMENT.—In any case in which an additional tax is imposed by paragraph (1), if a foundation manager refused to agree to part or all of the correction, there is hereby imposed a tax equal to 50 percent of the amount of the taxable expenditure. The tax imposed by this paragraph shall be paid by any foundation manager who refused to agree to part or all of the correction.

“(c) SPECIAL RULES.—For purposes of subsections (a) and (b)—

“(1) JOINT AND SEVERAL LIABILITY.—If more than one person is liable under subsection (a) (2) or (b) (2) with respect to the making of a taxable expenditure, all such persons shall be jointly and severally liable under such paragraph with respect to such expenditure.

“(2) LIMIT FOR MANAGEMENT.—With respect to any one taxable expenditure, the maximum amount of the tax imposed by subsection (a) (2) shall not exceed \$5,000, and the maximum amount of the tax imposed by subsection (b) (2) shall not exceed \$10,000.

“(d) TAXABLE EXPENDITURE.—For purposes of this section, the term ‘taxable expenditure’ means any amount paid or incurred by a private foundation—

“(1) to carry on propaganda, or otherwise to attempt, to influence legislation, within the meaning of subsection (e),

“(2) except as provided in subsection (f), to influence the outcome of any specific public election, or to carry on, directly or indirectly, any voter registration drive,

“(3) as a grant to an individual for travel, study, or other similar purposes by such individual, unless such grant satisfies the requirements of subsection (g),

“(4) as a grant to an organization (other than an organization described in paragraph (1), (2), or (3) of section 509(a)), unless the private foundation exercises expenditure responsibility with respect to such grant in accordance with subsection (h), or

“(5) for any purpose other than one specified in section 170(c) (2)(B).

“(e) ACTIVITIES WITHIN SUBSECTION (d) (1).—For purposes of subsection (d) (1), the term ‘taxable expenditure’ means any amount paid or incurred by a private foundation for—

“(1) any attempt to influence any legislation through an attempt to affect the opinion of the general public or any segment thereof, and

“(2) any attempt to influence legislation through communication with any member or employee of a legislative body, or with any other government official or employee who may participate in the formulation of the legislation (except technical advice or

Ante, p. 496.

Post, p. 553.

assistance provided to a governmental body or to a committee or other subdivision thereof in response to a written request by such body or subdivision, as the case may be), other than through making available the results of nonpartisan analysis, study, or research. Paragraph (2) of this subsection shall not apply to any amount paid or incurred in connection with an appearance before, or communication to, any legislative body with respect to a possible decision of such body which might affect the existence of the private foundation, its powers and duties, its tax-exempt status, or the deduction of contributions to such foundation.

(f) NONPARTISAN ACTIVITIES CARRIED ON BY CERTAIN ORGANIZATIONS.—Subsection (d)(2) shall not apply to any amount paid or incurred by any organization—

“(1) which is described in section 501(c)(3) and exempt from taxation under section 501(a),

“(2) the activities of which are nonpartisan, are not confined to one specific election period, and are carried on in 5 or more States,

“(3) substantially all of the income of which is expended directly for the active conduct of the activities constituting the purpose or function for which it is organized and operated,

“(4) substantially all of the support (other than gross investment income as defined in section 509(e)) of which is received from exempt organizations, the general public, governmental units described in section 170(c)(1), or any combination of the foregoing; not more than 25 percent of such support is received from any one exempt organization (for this purpose treating private foundations which are described in section 4946(a)(1)(H) with respect to each other as one exempt organization); and not more than half of the support of which is received from gross investment income, and

“(5) contributions to which for voter registration drives are not subject to conditions that they may be used only in specified States, possessions of the United States, or political subdivisions or other areas of any of the foregoing, or the District of Columbia, or that they may be used in only one specific election period.

In determining whether the organization meets the requirements of paragraph (4) for any taxable year of such organization, there shall be taken into account the support received by such organization during such taxable year and during the immediately preceding 4 taxable years of such organization (excluding therefrom any preceding taxable year which begins before January 1, 1970). Subsection (d)(4) shall not apply to any grant to an organization which meets the requirements of this subsection.

(g) INDIVIDUAL GRANTS.—Subsection (d)(3) shall not apply to an individual grant awarded on an objective and nondiscriminatory basis pursuant to a procedure approved in advance by the Secretary or his delegate, if it is demonstrated to the satisfaction of the Secretary or his delegate that—

“(1) the grant constitutes a scholarship or fellowship grant which is subject to the provisions of section 117(a) and is to be used for study at an educational institution described in section 151(e)(4),

“(2) the grant constitutes a prize or award which is subject to the provisions of section 74(b), if the recipient of such prize or award is selected from the general public, or

“(3) the purpose of the grant is to achieve a specific objective, produce a report or other similar product, or improve or enhance a literary, artistic, musical, scientific, teaching, or other similar capacity, skill, or talent of the grantee.

68A Stat. 163.
26 USC 501.

Ante, p. 496.

Post, p. 553.

"(h) EXPENDITURE RESPONSIBILITY.—The expenditure responsibility referred to in subsection (d)(4) means that the private foundation is responsible to exert all reasonable efforts and to establish adequate procedures—

“(1) to see that the grant is spent solely for the purpose for which made,

“(2) to obtain full and complete reports from the grantee on how the funds are spent, and

“(3) to make full and detailed reports with respect to such expenditures to the Secretary or his delegate.

“(i) OTHER DEFINITIONS.—For purposes of this section—

“(1) **CORRECTION.**—The terms ‘correction’ and ‘correct’ mean, with respect to any taxable expenditure, (A) recovering part or all of the expenditure to the extent recovery is possible, and where full recovery is not possible such additional corrective action as is prescribed by the Secretary or his delegate by regulations, or (B) in the case of a failure to comply with subsection (h)(2) or (h)(3), obtaining or making the report in question.

“(2) **CORRECTION PERIOD.**—The term ‘correction period’ means, with respect to any taxable expenditure, the period beginning with the date on which the taxable expenditure occurs and ending 90 days after the date of mailing of a notice of deficiency with respect to the tax imposed by subsection (b)(1) under section 6212, extended by—

“(A) any period in which a deficiency cannot be assessed under section 6213(a), and

“(B) any other period which the Secretary or his delegate determines is reasonable and necessary to bring about correction of the taxable expenditure (except that such determination shall not be made with respect to any taxable expenditure within the meaning of paragraph (1), (2), (3), or (4) of subsection (d) because of any action by an appropriate State officer as defined in section 6104(c)(2)).

68A Stat. 770.
26 USC 6212.

Post, p. 523.

“SEC. 4946. DEFINITIONS AND SPECIAL RULES.

“(a) DISQUALIFIED PERSON.—

“(1) **IN GENERAL.**—For purposes of this chapter, the term ‘disqualified person’ means, with respect to a private foundation, a person who is—

“(A) a substantial contributor to the foundation,

“(B) a foundation manager (within the meaning of subsection (b)(1)),

“(C) an owner of more than 20 percent of—

“(i) the total combined voting power of a corporation,

“(ii) the profits interest of a partnership, or

“(iii) the beneficial interest of a trust or unincorpo-

rated enterprise,

which is a substantial contributor to the foundation,

“(D) a member of the family (as defined in subsection (d)) of any individual described in subparagraph (A), (B), or (C),

“(E) a corporation of which persons described in subparagraph (A), (B), (C), or (D) own more than 35 percent of the total combined voting power,

“(F) a partnership in which persons described in subparagraph (A), (B), (C), or (D) own more than 35 percent of the profits interest,

“(G) a trust or estate in which persons described in subparagraph (A), (B), (C), or (D) hold more than 35 percent of the beneficial interest,

“(H) only for purposes of section 4943, a private foundation—

“(i) which is effectively controlled (directly or indirectly) by the same person or persons who control the private foundation in question, or

“(ii) substantially all of the contributions to which were made (directly or indirectly) by the same person or persons described in subparagraph (A), (B), or (C), or members of their families (within the meaning of subsection (d)), who made (directly or indirectly) substantially all of the contributions to the private foundation in question, and

“(I) only for purposes of section 4941, a government official (as defined in subsection (c)).

“(2) SUBSTANTIAL CONTRIBUTORS.—For purposes of paragraph (1), the term ‘substantial contributor’ means a person who is described in section 507(d)(2).

“(3) STOCKHOLDINGS.—For purposes of paragraphs (1)(C)(i) and (1)(E), there shall be taken into account indirect stockholdings which would be taken into account under section 267(c), except that, for purposes of this paragraph, section 267(c)(4) shall be treated as providing that the members of the family of an individual are the members within the meaning of subsection (d).

“(4) PARTNERSHIPS; TRUSTS.—For purposes of paragraphs (1)(C)(ii) and (iii), (1)(F), and (1)(G), the ownership of profits or beneficial interests shall be determined in accordance with the rules for constructive ownership of stock provided in section 267(c) (other than paragraph (3) thereof), except that section 267(c)(4) shall be treated as providing that the members of the family of an individual are the members within the meaning of subsection (d).

“(b) FOUNDATION MANAGER.—For purposes of this chapter, the term ‘foundation manager’ means, with respect to any private foundation—

“(1) an officer, director, or trustee of a foundation (or an individual having powers or responsibilities similar to those of officers, directors, or trustees of the foundation), and

“(2) with respect to any act (or failure to act), the employees of the foundation having authority or responsibility with respect to such act (or failure to act).

“(c) GOVERNMENT OFFICIAL.—For purposes of subsection (a)(1)(I) and section 4941, the term ‘government official’ means, with respect to an act of self-dealing described in section 4941, an individual who, at the time of such act, holds any of the following offices or positions (other than as a ‘special Government employee’, as defined in section 202(a) of title 18, United States Code):

“(1) an elective public office in the executive or legislative branch of the Government of the United States,

“(2) an office in the executive or judicial branch of the Government of the United States, appointment to which was made by the President,

“(3) a position in the executive, legislative, or judicial branch of the Government of the United States—

“(A) which is listed in schedule C of rule VI of the Civil Service Rules, or

Ante, p. 493.

68A Stat. 78.
26 USC 267.

76 Stat. 1121;
82 Stat. 1115.

“(B) the compensation for which is equal to or greater than the lowest rate of compensation prescribed for GS-16 of the General Schedule under section 5332 of title 5, United States Code,

5 USC 5332 note.

“(4) a position under the House of Representatives or the Senate of the United States held by an individual receiving gross compensation at an annual rate of \$15,000 or more,

“(5) an elective or appointive public office in the executive, legislative, or judicial branch of the government of a State, possession of the United States, or political subdivision or other area of any of the foregoing, or of the District of Columbia, held by an individual receiving gross compensation at an annual rate of \$15,000 or more, or

“(6) a position as personal or executive assistant or secretary to any of the foregoing.

“(d) MEMBERS OF FAMILY.—For purposes of subsection (a)(1), the family of any individual shall include only his spouse, ancestors, lineal descendants, and spouses of lineal descendants.

“SEC. 4947. APPLICATION OF TAXES TO CERTAIN NONEXEMPT TRUSTS.

“(a) APPLICATION OF TAX.—

“(1) CHARITABLE TRUSTS.—For purposes of part II of subchapter F of chapter 1 (other than section 508(a), (b), and (c)) and for purposes of this chapter, a trust which is not exempt from taxation under section 501(a), all of the unexpired interests in which are devoted to one or more of the purposes described in section 170(c)(2)(B), and for which a deduction was allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)

Ante, p. 492.

68A Stat. 163.
26 USC 501.

(2), or 2522 (or the corresponding provisions of prior law), shall be treated as an organization described in section 501(c)(3). For purposes of section 509(a)(3)(A), such a trust shall be treated as if organized on the day on which it first becomes subject to this paragraph.

Post, pp. 549,
558, 560-562.

“(2) SPLIT-INTEREST TRUSTS.—In the case of a trust which is not exempt from tax under section 501(a), not all of the unexpired interests in which are devoted to one or more of the purposes described in section 170(c)(2)(B), and which has amounts in trust for which a deduction was allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522, section 507 (relating to termination of private foundation status), section 508(e) (relating to governing instruments) to the extent applicable to a trust described in this paragraph, section 4941 (relating to taxes on self-dealing), section 4943 (relating to taxes on excess business holdings) except as provided in subsection (b)(3), section 4944 (relating to investments which jeopardize charitable purpose) except as provided in subsection (b)(3), and section 4945 (relating to taxes on taxable expenditures) shall apply as if such trust were a private foundation. This paragraph shall not apply with respect to—

“(A) any amounts payable under the terms of such trust to income beneficiaries, unless a deduction was allowed under section 170(f)(2)(B), 2055(e)(2)(B), or 2522(c)(2)(B),

“(B) any amounts in trust other than amounts for which a deduction was allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522, if such other amounts are segregated from amounts for which no deduction was allowable, or

“(C) any amounts transferred in trust before May 27, 1969.

“(3) SEGREGATED AMOUNTS.—For purposes of paragraph (2) (B), a trust with respect to which amounts are segregated shall separately account for the various income, deduction, and other items properly attributable to each of such segregated amounts.

“(b) SPECIAL RULES.—

“(1) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.

“(2) LIMIT TO SEGREGATED AMOUNTS.—If any amounts in the trust are segregated within the meaning of subsection (a) (2) (B) of this section, the value of the net assets for purposes of subsections (c) (2) and (g) of section 507 shall be limited to such segregated amounts.

“(3) SECTIONS 4943 AND 4944.—Sections 4943 and 4944 shall not apply to a trust which is described in subsection (a) (2) if—

“(A) all the income interest (and none of the remainder interest) of such trust is devoted solely to one or more of the purposes described in section 170(c) (2) (B), and all amounts in such trust for which a deduction was allowed under section 170, 545(b) (2), 556(b) (2), 642(c), 2055, 2106(a) (2), or 2522 have an aggregate value not more than 60 percent of the aggregate fair market value of all amounts in such trusts, or

“(B) a deduction was allowed under section 170, 545(b) (2), 556(b) (2), 642(c), 2055, 2106(a) (2), or 2522 for amounts payable under the terms of such trust to every remainder beneficiary but not to any income beneficiary.

“SEC. 4948. APPLICATION OF TAXES AND DENIAL OF EXEMPTION WITH RESPECT TO CERTAIN FOREIGN ORGANIZATIONS.

“(a) TAX ON INCOME OF CERTAIN FOREIGN ORGANIZATIONS.—In lieu of the tax imposed by section 4940, there is hereby imposed for each taxable year on the gross investment income (within the meaning of section 4940(c) (2)) derived from sources within the United States (within the meaning of section 861) by every foreign organization which is a private foundation for the taxable year a tax equal to 4 percent of such income.

“(b) CERTAIN SECTIONS INAPPLICABLE.—Section 507 (relating to termination of private foundation status), section 508 (relating to special rules with respect to section 501(c) (3) organizations), and this chapter (other than this section) shall not apply to any foreign organization which has received substantially all of its support (other than gross investment income) from sources outside the United States.

“(c) DENIAL OF EXEMPTION TO FOREIGN ORGANIZATIONS ENGAGED IN PROHIBITED TRANSACTIONS.—

“(1) GENERAL RULE.—A foreign organization described in subsection (b) shall not be exempt from taxation under section 501(a) if it has engaged in a prohibited transaction after December 31, 1969.

“(2) PROHIBITED TRANSACTIONS.—For purposes of this subsection, the term ‘prohibited transaction’ means any act or failure to act (other than with respect to section 4942(e)) which would subject a foreign organization described in subsection (b), or a disqualified person (as defined in section 4946) with respect thereto, to liability for a penalty under section 6684 or a tax under section 507 if such foreign organization were a domestic organization.

Ante, p. 492.

Post, p. 553.

Post, pp. 549,
558, 560-562.

Post, p. 625.

68A Stat. 163.
26 USC 501.

Post, p. 519.

(3) TAXABLE YEARS AFFECTED.—

“(A) Except as provided in subparagraph (B), a foreign organization described in subsection (b) shall be denied exemption from taxation under section 501(a) by reason of paragraph (1) for all taxable years beginning with the taxable year during which it is notified by the Secretary or his delegate that it has engaged in a prohibited transaction. The Secretary or his delegate shall publish such notice in the Federal Register on the day on which he so notifies such foreign organization.

68A Stat. 163.
26 USC 501.

Publication in
Federal Register.

“(B) Under regulations prescribed by the Secretary or his delegate, any foreign organization described in subsection (b) which is denied exemption from taxation under section 501(a) by reason of paragraph (1) may, with respect to the second taxable year following the taxable year in which notice is given under subparagraph (A) (or any taxable year thereafter), file claim for exemption from taxation under section 501(a). If the Secretary or his delegate is satisfied that such organization will not knowingly again engage in a prohibited transaction, such organization shall not, with respect to taxable years beginning with the taxable year with respect to which such claim is filed, be denied exemption from taxation under section 501(a) by reason of any prohibited transaction which was engaged in before the date on which such notice was given under subparagraph (A).

“(4) DISALLOWANCE OF CERTAIN CHARITABLE DEDUCTIONS.—No gift or bequest shall be allowed as a deduction under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522, if made—

Post, pp. 549,
558, 560-562.

“(A) to a foreign organization described in subsection (b) after the date on which the Secretary or his delegate publishes notice under paragraph (3)(A) that he has notified such organization that it has engaged in a prohibited transaction, and

“(B) in a taxable year of such organization for which it is not exempt from taxation under section 501(a) by reason of paragraph (1).”

(c) ASSESSABLE PENALTIES FOR REPEATED, OR WILLFUL AND FLAGRANT, ACTS UNDER CHAPTER 42.—Subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end thereof the following new section:

68A Stat. 828;
80 Stat. 1560.
26 USC 6671-
6683.

“SEC. 6684. ASSESSABLE PENALTIES WITH RESPECT TO LIABILITY FOR TAX UNDER CHAPTER 42.

“If any person becomes liable for tax under any section of chapter 42 (relating to private foundations) by reason of any act or failure to act which is not due to reasonable cause and either—

Ante, p. 498.

“(1) such person has theretofore been liable for tax under such chapter, or

“(2) such act or failure to act is both willful and flagrant, then such person shall be liable for a penalty equal to the amount of such tax.”

(d) INFORMATION RETURNS OF EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Section 6033(a) (relating to information returns by exempt organizations) is amended to read as follows:

68A Stat. 741.

“(a) ORGANIZATIONS REQUIRED TO FILE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), every organization exempt from taxation under section 501(a) shall file an annual return, stating specifically the items of gross income,

68A Stat. 134;
76 Stat. 809.

Ante, p. 496.

68A Stat. 163.

Post, p. 550.

68A Stat. 741;
72 Stat. 1661.

receipts, and disbursements, and such other information for the purpose of carrying out the internal revenue laws as the Secretary or his delegate may by forms or regulations prescribe, and shall keep such records, render under oath such statements, make such other returns, and comply with such rules and regulations as the Secretary or his delegate may from time to time prescribe; except that, in the discretion of the Secretary or his delegate, any organization described in section 401(a) may be relieved from stating in its return any information which is reported in returns filed by the employer which established such organization.

“(2) EXCEPTIONS FROM FILING.—

“(A) MANDATORY EXCEPTIONS.—Paragraph (1) shall not apply to—

“(i) churches, their integrated auxiliaries, and conventions or associations of churches,

“(ii) any organization (other than a private foundation, as defined in section 509(a)) described in subparagraph (C), the gross receipts of which in each taxable year are normally not more than \$5,000, or

“(iii) the exclusively religious activities of any religious order.

“(B) DISCRETIONARY EXCEPTIONS.—The Secretary or his delegate may relieve any organization required under paragraph (1) to file an information return from filing such a return where he determines that such filing is not necessary to the efficient administration of the internal revenue laws.

“(C) CERTAIN ORGANIZATIONS.—The organizations referred to in subparagraph (A) (ii) are—

“(i) a religious organization described in section 501 (c) (3);

“(ii) an educational organization described in section 170(b) (1) (A) (ii);

“(iii) a charitable organization, or an organization for the prevention of cruelty to children or animals, described in section 501(c) (3), if such organization is supported, in whole or in part, by funds contributed by the United States or any State or political subdivision thereof, or is primarily supported by contributions of the general public;

“(iv) an organization described in section 501(c) (3), if such organization is operated, supervised, or controlled by or in connection with a religious organization described in clause (i);

“(v) an organization described in section 501(c) (8); and

“(vi) an organization described in section 501(c) (1), if such organization is a corporation wholly owned by the United States or any agency or instrumentality thereof, or a wholly-owned subsidiary of such a corporation.”

(2) ADDITIONAL INFORMATION.—Section 6033(b) (relating to certain organizations described in section 501(c) (3)) is amended—

(A) by striking out in paragraph (3) “out of income”,

(B) by striking out paragraphs (4), (5), (6), and (8), and by redesignating paragraph (7) as paragraph (4), and

(C) by adding after paragraph (4) (as redesignated) the following new paragraphs:

“(5) the total of the contributions and gifts received by it during the year, and the names and addresses of all substantial contributors,

"(6) the names and addresses of its foundation managers (within the meaning of section 4946(b)(1)) and highly compensated employees, and

"(7) the compensation and other payments made during the year to each individual described in paragraph (6)."

(3) ANNUAL REPORT.—Part III of subchapter A of chapter 61 (relating to information returns) is amended by adding after subpart C, the following new subpart:

68A Stat. 741.
26 USC 6031-
6053.

"Subpart D—Information Concerning Private Foundations

"Sec. 6056. Annual reports by private foundations.

"SEC. 6056. ANNUAL REPORTS BY PRIVATE FOUNDATIONS.

"(a) GENERAL.—The foundation managers (within the meaning of section 4946(b)) of every organization which is a private foundation (within the meaning of section 509(a)) having at least \$5,000 of assets at any time during a taxable year shall file an annual report as of the close of the taxable year at such time and in such manner as the Secretary or his delegate may by regulations prescribe.

"(b) CONTENTS.—The foundation managers of the private foundation shall set forth in the annual report required under subsection (a) the following information:

"(1) its gross income for the year,

"(2) its expenses attributable to such income and incurred within the year,

"(3) its disbursements (including administrative expenses) within the year,

"(4) a balance sheet showing its assets, liabilities, and net worth as of the beginning of the year,

"(5) an itemized statement of its securities and all other assets at the close of the year, showing both book and market value,

"(6) the total of the contributions and gifts received by it during the year,

"(7) an itemized list of all grants and contributions made or approved for future payment during the year, showing the amount of each such grant or contribution, the name and address of the recipient, any relationship between any individual recipient and the foundation's managers or substantial contributors, and a concise statement of the purpose of each such grant or contribution,

"(8) the address of the principal office of the foundation and (if different) of the place where its books and records are maintained,

"(9) the names and addresses of its foundation managers (within the meaning of section 4946(b)), and

"(10) a list of all persons described in paragraph (9) that are substantial contributors (within the meaning of section 507(d)(2)) or that own 10 percent or more of the stock of any corporation of which the foundation owns 10 percent or more of the stock, or corresponding interests in partnerships or other entities, in which the foundation has a 10 percent or greater interest.

"(c) FORM.—The annual report may be prepared in printed, type-written, or any other legible form the foundation chooses. The Secretary or his delegate shall provide forms which may be used by a private foundation for purposes of the annual report.

"(d) SPECIAL RULES.—

"(1) The annual report required to be filed under this section is in addition to and not in lieu of the information required to be filed under section 6033 (relating to returns by exempt organizations) and shall be filed at the same time as such information.

Ante, p. 515.
Ante, p. 496.

*
Ante, p. 492.

68A Stat. 741
26 USC 6033.

Post, p. 523.

“(2) A copy of the notice required by section 6104(d) (relating to public inspection of private foundations' annual reports), together with proof of publication thereof, shall be filed by the foundation managers together with the annual report.

“(3) The foundation managers shall furnish copies of the annual report required by this section to such State officials and other persons, at such times and under such conditions, as the Secretary or his delegate may by regulations prescribe.”

(4) PENALTY FOR LATE FILING OF CERTAIN INFORMATION RETURNS.—Section 6652 (relating to failure to file certain information returns) is amended by relettering subsection (d) as subsection (e) and inserting immediately after subsection (c) the following new subsection:

“(d) RETURNS BY EXEMPT ORGANIZATIONS AND BY CERTAIN TRUSTS.”

Ante, p. 519.

“(1) PENALTY ON ORGANIZATION OR TRUST.—In the case of a failure to file a return required under section 6033 (relating to returns by exempt organizations), section 6034 (relating to returns by certain trusts), or section 6043(b) (relating to exempt organizations), on the date and in the manner prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause there shall be paid (on notice and demand by the Secretary or his delegate and in the same manner as tax) by the exempt organization or trust failing so to file, \$10 for each day during which such failure continues, but the total amount imposed hereunder on any organization for failure to file any return shall not exceed \$5,000.

“(2) MANAGERS.—The Secretary or his delegate may make written demand upon an organization failing to file under paragraph (1) specifying therein a reasonable future date by which such filing shall be made, and if such filing is not made on or before such date, and unless it is shown that failure so to file is due to reasonable cause, there shall be paid (on notice and demand by the Secretary or his delegate and in the same manner as tax) by the person failing so to file, \$10 for each day after the expiration of the time specified in the written demand during which such failure continues, but the total amount imposed hereunder on all persons for such failure to file shall not exceed \$5,000. If more than one person is liable under this paragraph for a failure to file, all such persons shall be jointly and severally liable with respect to such failure. The term ‘person’ as used herein means any officer, director, trustee, employee, member, or other individual who is under a duty to perform the act in respect of which the violation occurs.

Ante, p. 521.

“(3) ANNUAL REPORTS.—In the case of a failure to file a report required under section 6056 (relating to annual reports by private foundations) or to comply with the requirements of section 6104 (d) (relating to public inspection of private foundations' annual reports), on the date and in the manner prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause, there shall be paid (on notice and demand by the Secretary or his delegate and in the same manner as tax) by the person failing so to file or meet the publicity requirement, \$10 for each day during which such failure continues, but the total amount imposed hereunder on all such persons for such failure to file or comply with the requirements of section 6104(d) with regard to any one annual report shall not exceed \$5,000. If more than one person is liable under

76 Stat. 1057;
79 Stat. 385.
26 USC 6652.

Post, p. 529.

this paragraph for a failure to file or comply with the requirements of section 6104(d), all such persons shall be jointly and severally liable with respect to such failure. The term 'person' as used herein means any officer, director, trustee, employee, member, or other individual who is under a duty to perform the act in respect of which the violation occurs."

infra.

(e) PUBLICITY OF INFORMATION REQUIRED BY CERTAIN EXEMPT ORGANIZATIONS.—

(1) NAMES AND ADDRESSES OF CONTRIBUTORS.—Section 6104 (relating to publicity of information required from certain exempt organizations and certain trusts) is amended by inserting at the end of subsection (b), the following sentence: "Nothing in this subsection shall authorize the Secretary or his delegate to disclose the name or address of any contributor to any organization or trust (other than a private foundation, as defined in section 509(a)) which is required to furnish such information."

68A Stat. 755;
72 Stat. 1660.
26 USC 6104.

(2) PUBLICATION TO STATE OFFICIALS.—Section 6104 is amended by adding after subsection (b) the following new subsection:

(c) PUBLICATION TO STATE OFFICIALS.—

"(1) GENERAL RULE.—In the case of any organization which is described in section 501(c)(3) and exempt from taxation under section 501(a), or has applied under section 508(a) for recognition as an organization described in section 501(c)(3), the Secretary or his delegate at such times and in such manner as he may by regulations prescribe shall—

68A Stat. 163.
Ante, p. 494.

"(A) notify the appropriate State officer of a refusal to recognize such organization as an organization described in section 501(c)(3), or of the operation of such organization in a manner which does not meet, or no longer meets, the requirements of its exemption,

"(B) notify the appropriate State officer of the mailing of a notice of deficiency of tax imposed under section 507 or chapter 42, and

"(C) at the request of such appropriate State officer, make available for inspection and copying such returns, filed statements, records, reports, and other information, relating to a determination under subparagraph (A) or (B) as are relevant to any determination under State law.

Ante, pp. 492,
498.

"(2) APPROPRIATE STATE OFFICER.—For purposes of this subsection, the term 'appropriate State officer' means the State attorney general, State tax officer, or any State official charged with overseeing organizations of the type described in section 501(c)(3)."

(3) ANNUAL REPORTS.—Section 6104 is amended by adding after subsection (c), as added by paragraph (2) of this subsection, the following new subsection:

(d) PUBLIC INSPECTION OF PRIVATE FOUNDATIONS' ANNUAL REPORTS.—The annual report required to be filed under section 6056 (relating to annual reports by private foundations) shall be made available by the foundation managers for inspection at the principal office of the foundation during regular business hours by any citizen on request made within 180 days after the publication of notice of its availability. Such notice shall be published, not later than the day prescribed for filing such annual report (determined with regard to any extension of time for filing), in a newspaper having general circulation in the county in which the principal office of the private foundation is located. The notice shall state that the annual report of the private foundation is available at its principal office for inspection during

Ante, p. 521.

regular business hours by any citizen who requests it within 180 days after the date of such publication, and shall state the address of the private foundation's principal office and the name of its principal manager."

*68A Stat. 828;
80 Stat. 1560.*

(4) **WILLFUL FAILURE TO PROVIDE INFORMATION REGARDING PRIVATE FOUNDATIONS.**—Subchapter B of chapter 68 (relating to assessable penalties) is amended by adding after section 6684 (added by subsection (c) of this section) the following new section:

"SEC. 6685. ASSESSABLE PENALTIES WITH RESPECT TO PRIVATE FOUNDATION ANNUAL REPORTS.

"In addition to the penalty imposed by section 7207 (relating to fraudulent returns, statements, or other documents), any person who is required to file the report and the notice required under section 6056 (relating to annual reports by private foundations) or to comply with the requirements of section 6104(d) (relating to public inspection of private foundations' annual reports) and who fails so to file or comply, if such failure is willful, shall pay a penalty of \$1,000 with respect to each such report or notice."

Ante, p. 521.

Ante, p. 523.

*68A Stat. 853;
76 Stat. 831.*

(5) Section 7207 (relating to fraudulent returns, statements, or other documents) is amended by striking out "section 6047 (b) or (c)" and inserting in lieu thereof "sections 6047 (b) or (c), 6056, or 6104(d)".

(f) PETITION TO TAX COURT; DEFICIENCY PROCEDURES MADE APPLICABLE.—

68A Stat. 770.

(1) Section 6211(a) (relating to definition of a deficiency) is amended—

(A) by striking out "and gift taxes" and inserting in lieu thereof "gift, and excise taxes,",

(B) by striking out "subtitles A and B," and inserting in lieu thereof "subtitles A and B, and chapter 42,", and

(C) by striking out "subtitles A or B" and inserting in lieu thereof "subtitle A or B or chapter 42".

(2) Section 6212(c)(1) (relating to further deficiency letters restricted) is amended by striking out "or" before "of estate tax" and by inserting after "the same decedent," the following: "of section 4940 tax for the same taxable year, or of chapter 42 tax (other than under section 4940) with respect to any act (or failure to act) to which such petition relates".

(3) Section 6213 (relating to restrictions applicable to deficiencies; petition to Tax Court) is amended by relettering subsection (e) as subsection (f) and inserting immediately after subsection (d) the following new subsection:

"(e) SUSPENSION OF FILING PERIOD FOR CERTAIN CHAPTER 42 TAXES.—

The running of the time prescribed by subsection (a) for filing a petition in the Tax Court with respect to the taxes imposed by section 4941 (relating to taxes on self-dealing), 4942 (relating to taxes on failure to distribute income), 4943 (relating to taxes on excess business holdings), 4944 (relating to investments which jeopardize charitable purpose), or 4945 (relating to taxes on taxable expenditures) shall be suspended for any period during which the Secretary or his delegate has extended the time allowed for making correction under section 4941(e)(4), 4942(j)(2), 4943(d)(3), 4944(e)(3), or 4945(h)(2)."

Ante, p. 498.

(g) LIMITATIONS ON ASSESSMENT AND COLLECTION.—

(1) Section 6501 is amended by adding at the end thereof the following new subsection:

68A Stat. 803;
80 Stat. 1151.

(n) SPECIAL RULE FOR CHAPTER 42 TAXES.—

(1) IN GENERAL.—For purposes of any tax imposed by chapter 42 (other than section 4940), the return referred to in this section shall be the return filed by the private foundation for the year in which the act (or failure to act) giving rise to liability for such tax occurred. For purposes of section 4940, such return is the return filed by the private foundation for the taxable year for which the tax is imposed.

Ante, p. 498.

(2) CERTAIN CONTRIBUTIONS TO SECTION 501 (c) (3) ORGANIZATIONS.—In the case of a deficiency of tax of a private foundation making a contribution in the manner provided in section 4942 (g) (3) (relating to certain contributions to section 501(c) (3) organizations) attributable to the failure of a section 501(c) (3) organization to make the distribution prescribed by section 4942 (g) (3), such deficiency may be assessed at any time before the expiration of one year after the expiration of the period within which a deficiency may be assessed for the taxable year with respect to which the contribution was made.”

68A Stat. 163.
26 USC 501.

(2) Section 6501(c) is amended by adding the following new paragraph at the end thereof:

(7) TERMINATION OF PRIVATE FOUNDATION STATUS.—In the case of a tax on termination of private foundation status under section 507, such tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.”

Ante, p. 492.

(3) Section 6501(e) (3) is amended by adding at the end thereof the following sentence: “In determining the amount of tax omitted on a return, there shall not be taken into account any amount of tax imposed by chapter 42 which is omitted from the return if the transaction giving rise to such tax is disclosed in the return, or in a statement attached to the return, in a manner adequate to apprise the Secretary or his delegate of the existence and nature of such item.”

80 Stat. 1140.

(4) Section 6503 (relating to suspension of running of period of limitation) is amended by relettering subsection (h) as subsection (i) and inserting immediately after subsection (g) the following new subsection:

(h) SUSPENSION PENDING CORRECTION.—The running of the periods of limitations provided in sections 6501 and 6502 on the making of assessments or the collection by levy or a proceeding in court in respect of any tax imposed by chapter 42 or section 507 shall be suspended for any period described in section 507(g)(2) or during which the Secretary or his delegate has extended the time for making correction under section 4941(e) (4), 4942(j) (2), 4943(d) (3), 4944(e) (3), or 4945(h) (2).”

68A Stat. 806.

(h) LIMITATIONS ON CREDITS OR REFUNDS.—Section 6511 (relating to limitations on credits or refunds) is amended by relettering subsection (f) as subsection (g) and inserting immediately after subsection (e) the following new subsection:

(f) SPECIAL RULE FOR CHAPTER 42 TAXES.—For purposes of any tax imposed by chapter 42, the return referred to in subsection (a) shall be the return specified in section 6501(n)(1).”

(i) CIVIL ACTION FOR REFUND.—Section 7422 (relating to civil actions for refund) is amended by relettering subsection (g) as subsection (h) and by inserting immediately after subsection (f) the following new subsection:

Supra.
68A Stat. 876;
80 Stat. 1108.

Ante, p. 498.

"(g) SPECIAL RULES FOR CERTAIN EXCISE TAXES IMPOSED BY CHAPTER 42.—

"(1) **RIGHT TO BRING ACTIONS.**—With respect to any act (or failure to act) giving rise to liability under section 4941, 4942, 4943, 4944, or 4945, payment of the full amount of tax imposed under section 4941(a) (relating to initial taxes on self-dealing), section 4942(a) (relating to initial tax on failure to distribute income), section 4943(a) (relating to initial tax on excess business holdings), section 4944(a) (relating to initial taxes on investments which jeopardize charitable purpose), section 4945(a) (relating to initial taxes on taxable expenditures), section 4941(b) (relating to additional taxes on self-dealing), section 4942(b) (relating to additional tax on failure to distribute income), section 4943(b) (relating to additional tax on excess business holdings), section 4944(b) (relating to additional taxes on investments which jeopardize charitable purpose), or section 4945(b) (relating to additional taxes on taxable expenditures) shall constitute sufficient payment in order to maintain an action under this section with respect to such act (or failure to act).

"(2) **LIMITATION ON SUIT FOR REFUND.**—No suit may be maintained under this section for the credit or refund of any tax imposed under section 4941, 4942, 4943, 4944, or 4945 with respect to any act (or failure to act) giving rise to liability for tax under such sections, unless no other suit has been maintained for credit or refund of, and no petition has been filed in the Tax Court with respect to a deficiency in, any other tax imposed by such sections with respect to such act (or failure to act).

"(3) **FINAL DETERMINATION OF ISSUES.**—For purposes of this section, any suit for the credit or refund of any tax imposed under section 4941, 4942, 4943, 4944, or 4945 with respect to any act (or failure to act) giving rise to liability for tax under such sections, shall constitute a suit to determine all questions with respect to any other tax imposed with respect to such act (or failure to act) under such sections, and failure by the parties to such suit to bring any such question before the Court shall constitute a bar to such question."

(j) TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS.—

(1) Section 101(b)(2)(B)(iii) (relating to nonforfeitable rights) is amended by striking out "section 503(b)(1), (2), or (3)" and inserting in lieu thereof "section 170(b)(1)(A)(ii) or (vi) or which is a religious organization (other than a trust)".

(2) Section 170(i) (relating to disallowance of deductions in certain cases) (as redesignated by section 201(a)(1)(A) of this Act) is amended—

(A) by striking out paragraph (1), and

(B) by striking out "(2) For disallowance" and inserting in lieu thereof "For disallowance".

(3) Section 501(a) (relating to exemption from taxation) is amended by striking out "502, 503, or 504" and inserting in lieu thereof "502 or 503".

(4) Section 501(b) (relating to tax on unrelated business income) is amended to read as follows:

"(b) TAX ON UNRELATED BUSINESS INCOME AND CERTAIN OTHER ACTIVITIES.—An organization exempt from taxation under subsection (a) shall be subject to tax to the extent provided in parts II and III of this subchapter, but (notwithstanding parts II and III of this subchapter) shall be considered an organization exempt from income

72 Stat. 1622.
26 USC 101.

Post, p. 549.

68A Stat. 163.

taxes for the purpose of any law which refers to organizations exempt from income taxes."

(5) Section 501(c)(16) (relating to list of exempt organizations) is amended by striking out "part III" and inserting in lieu thereof "part IV".

(6) Section 501(e) (relating to cooperative hospital service organizations) is amended by striking out in the last sentence thereof "section 503(b)(5)." and inserting in lieu thereof "section 170(b)(1)(A)(iii).".

(7) Section 503(a)(1) (relating to general rule) is amended to read as follows:

"(1) GENERAL RULE.—"

"(A) An organization described in section 501(c)(17) shall not be exempt from taxation under section 501(a) if it has engaged in a prohibited transaction after December 31, 1959.

"(B) An organization described in section 401(a) shall not be exempt from taxation under section 501(a) if it has engaged in a prohibited transaction after March 1, 1954."

(8) Section 503(a)(2) (relating to taxable years affected by denial of exemption) is amended by striking out "section 501(c)(3) or (17)" and inserting in lieu thereof "section 501(c)(17)".

(9) Section 503(d) (relating to future status of organizations denied exemption) is amended by striking out "section 501(c)(3) or (17)" and inserting in lieu thereof "section 501(c)(17)".

(10) Section 503(g) (relating to special rule for loans) is amended by striking out "subsection (c)(1)," and inserting in lieu thereof "subsection (b)(1).".

(11) Section 503(h) (relating to special rules relating to lending by section 401(a) and section 501(c)(17) trusts to certain persons) is amended—

(A) by striking out in the heading thereof "**SPECIAL RULES RELATING TO LENDING BY SECTION 401(a) AND SECTION 501(c)(17) TRUSTS TO CERTAIN PERSONS.—**", and inserting in lieu thereof "**SPECIAL RULES.—**".

(B) by striking out "subsection (c)(1)," and inserting in lieu thereof "subsection (b)(1)",

(C) by striking out "acquired by a trust described in section 401(a) or section 501(c)(17)", and

(D) by striking out in paragraph (3) "subsection (c)" and inserting in lieu thereof "subsection (b)".

(12) Section 503(i) (relating to loans with respect to which employers are prohibited from pledging certain assets) is amended—

(A) by striking out "Subsection (c)(1)" and inserting in lieu thereof "Subsection (b)(1)", and

(B) by striking out "subsection (h)" and inserting in lieu thereof "subsection (e)".

(13) Section 503(j)(1) (relating to prohibited transactions) is amended by striking out "subsection (c)" and inserting in lieu thereof "subsection (b)".

(14) Section 503 (relating to requirements of exemption) is amended by striking out subsections (b), (e), and (f) and by redesignating subsections (c), (d), (g), (h), (i), and (j) (as amended), as subsections (b), (c), (d), (e), (f), and (g), respectively.

(15) Section 504 (relating to denial of exemption) is repealed.

68A Stat. 165.
26 USC 501.

82 Stat. 269.

74 Stat. 535.

74 Stat. 534.
68A Stat. 163.

68A Stat. 166.

72 Stat. 1629.

72 Stat. 1630.

76 Stat. 827.

Repeal
68A Stat. 168.

68A Stat. 182;
69 Stat. 718.
26 USC 542.

(16) Section 542(a)(2) (relating to stock ownership requirement) is amended—

(A) by striking out in the second sentence “section 503(b)” and inserting in lieu thereof “section 401(a), 501(c)(17), or 509(a)”, and

(B) by amending the third sentence to read as follows: “The preceding sentence shall not apply in the case of an organization or trust organized or created before July 1, 1950, if at all times on or after July 1, 1950, and before the close of the taxable year such organization or trust has owned all of the common stock and at least 80 percent of the total number of shares of all other classes of stock of the corporation.”

(17) Section 663(a)(2) (relating to charitable, etc., distributions) is amended by striking out “section 681” and inserting in lieu thereof “sections 508(d), 681, and 4948(c)(4)”.
Repeal.
68A Stat. 232.

(18) Section 681(b) and (c) (relating to operations of trusts and accumulated income) is repealed.

(19) Section 681(d) (relating to cross reference) is redesignated as subsection (b), and as so redesignated is amended by striking out “section 503(e)” and inserting in lieu thereof “sections 508(d) and 4948(c)(4)”.
68A Stat. 282;
80 Stat. 1551.

(20) Section 878 (relating to foreign educational, charitable, and certain other exempt organizations) is amended by—

(A) striking out “unrelated business income of”, and

(B) striking out “trusts, see section 512(a)” and inserting in lieu thereof “organizations, see sections 512(a) and 4948”.

(21) Section 884 (relating to cross references) is amended by striking out paragraph (1) and by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (1), (2), (3), (4), and (5), respectively.
68A Stat. 358.

(22) Section 1443 (relating to foreign tax-exempt organizations) is amended by—

(A) inserting “(a) INCOME SUBJECT TO SECTION 511.—” before “In the case of”, and

(B) adding subsection (b) to read as follows:

“(b) INCOME SUBJECT TO SECTION 4948.—In the case of income of a foreign organization subject to the tax imposed by section 4948(a), this chapter shall apply, except that the deduction and withholding shall be at the rate of 4 percent and shall be subject to such conditions as may be provided under regulations prescribed by the Secretary or his delegate.”
72 Stat. 1623.

(23) Section 2039(c)(3) (relating to exemption of annuities under certain trusts and plans) is amended by striking out “section 503(b)(1), (2), or (3)”, and inserting in lieu thereof “section 170(b)(1)(A)(ii) or (vi), or which is a religious organization (other than a trust)”,
Post, p. 550.

(24) Section 2517(a)(3) (relating to general rule for certain annuities under qualified plans) is amended by striking out “section 503(b)(1), (2), or (3)”, and inserting in lieu thereof “section 170(b)(1)(A)(ii) or (vi), or which is a religious organization (other than a trust)”,
73 Stat. 617.

(25) Section 4057(b) (relating to the definition of nonprofit educational organization) is amended by striking out “section 503(b)(2)” and inserting in lieu thereof “section 170(b)(1)(A)(ii)”.
83 Stat. 100.

(26) Section 4221(d)(5) (relating to the definition of nonprofit educational organization) is amended by striking out "section 503(b)(2)" and inserting in lieu thereof "section 170(b)(1)(A)(ii)".

72 Stat. 1282.
26 USC 4221.

(27) Section 4253(h) (relating to nonprofit hospitals) is amended by striking out "section 503(b)(5)" and inserting in lieu thereof "section 170(b)(1)(A)(iii)".

Post, p. 550.

(28) Section 4294(b) (relating to the definition of nonprofit educational organization) is amended by striking out "section 503(b)(2)" and inserting in lieu thereof "section 170(b)(1)(A)(ii)".

(29) Section 5214(a)(3)(A) (relating to purposes for withdrawal of distilled spirits from bonded premises free of tax or without payment of tax) is amended by striking out "section 503(b)(2)" and inserting in lieu thereof "section 170(b)(1)(A)(ii)".

(30) Section 6033(b)(4) (as redesignated by subsection (d)(2) of this section) (relating to certain balance sheet items on returns by exempt organizations) is amended by striking out "and" at the end thereof.

Ante, p. 520.

(31) Section 6033(c) (relating to cross reference) is amended by inserting the following at the end thereof:

"For reporting requirements as to certain liquidations, dissolutions, terminations, and contractions, see section 6043(b). For provisions relating to penalties for failure to file a return required by this section, see section 6652(d)."

Ante, p. 522.
68A Stat. 742.

(32) Section 6034 (relating to returns by certain trusts) is amended by striking out all of such section before paragraph (1) of subsection (a) and inserting in lieu thereof the following:

"SEC. 6034. RETURNS BY TRUSTS DESCRIBED IN SECTION 4947(a) OR CLAIMING CHARITABLE DEDUCTIONS UNDER SECTION 642(c).

"(a) GENERAL RULE.—Every trust described in section 4947(a) or claiming a charitable, etc., deduction under section 642(c) for the taxable year shall furnish such information with respect to such taxable year as the Secretary or his delegate may by forms or regulations prescribe, including—".

Ante, p. 517.
Post, p. 558.

(33) Section 6034(a)(1) (relating to returns by certain trusts) is amended by striking out "(showing separately the amount of such deduction which was paid out and the amount which was permanently set aside for charitable, etc., purposes during such year)".

(34) Section 6034 (relating to returns by certain trusts) is amended by adding the following new subsection at the end thereof:

"(c) CROSS REFERENCE.—

"For provisions relating to penalties for failure to file a return required by this section, see section 6652(d)."

(35) Section 6043 (relating to return regarding corporate dissolution or liquidation) is amended—

68A Stat. 746.

(A) by striking out the heading and inserting in lieu thereof

"RETURNS REGARDING LIQUIDATION, DISSOLUTION, TERMINATION, OR CONTRACTION.",

(B) by striking out "Every corporation" and inserting in lieu thereof "(a) CORPORATIONS.—Every corporation", and

(C) by adding the following new subsections at the end thereof:

“(b) EXEMPT ORGANIZATIONS.—Every organization which for any of its last 5 taxable years preceding its liquidation, dissolution, termination, or substantial contraction was exempt from taxation under section 501(a) shall file such return and other information with respect to such liquidation, dissolution, termination, or substantial contraction as the Secretary or his delegate shall by forms or regulations prescribe; except that—

“(1) no return shall be required under this subsection from churches, their integrated auxiliaries, conventions or associations of churches, or any organization which is not a private foundation (as defined in section 509(a)) and the gross receipts of which in each taxable year are normally not more than \$5,000, and

“(2) the Secretary or his delegate may relieve any organization from such filing where he determines that such filing is not necessary to the efficient administration of the internal revenue laws or, with respect to an organization described in section 401(a), where the employer who established such organization files such a return.

“(c) CROSS REFERENCE.—

“For provisions relating to penalties for failure to file a return required by subsection (b), see section 6652(d).”

(36) Section 6104(b) (relating to inspection of annual information returns) is amended by striking out “sections 6033(b) and 6034,” and inserting in lieu thereof “sections 6033, 6034, and 6056.”

(37) Section 6161(b) (relating to the amount determined as a deficiency when granting an extension of time) is amended—

(A) by striking out in paragraph (1) “chapter 1 or 12,” and inserting in lieu thereof “chapter 1, 12, or 42,” and

(B) by striking out “chapter 1,” the last time it appears and inserting in lieu thereof “chapter 1 or 42.”

(38) Section 6201(d) (relating to deficiency proceedings) is amended by striking out “and gift taxes”, and inserting in lieu thereof “gift, and chapter 42 taxes”.

(39) Section 6211(b)(2) (relating to the term “rebate”) is amended by striking out “subtitles A or B” and inserting in lieu thereof “subtitle A or B or chapter 42”.

(40) Section 6212(a) (relating to notice of deficiency) is amended by striking out “subtitles A or B” and inserting in lieu thereof “subtitle A or B or chapter 42”.

(41) Section 6212(b)(1) (relating to address for notice of deficiency) is amended—

(A) by striking out in the title thereof “AND GIFT TAXES” and inserting in lieu thereof “AND GIFT TAXES AND TAXES IMPOSED BY CHAPTER 42”,

(B) by striking out “subtitle A or chapter 12,” and inserting in lieu thereof “subtitle A, chapter 12, or chapter 42,” and

(C) by inserting “chapter 42,” after “chapter 12,” the last place it appears.

(42) Section 6213(a) (relating to restrictions applicable to deficiencies; petition to Tax Court) is amended by inserting “or chapter 42” after “subtitle A or B”.

(43) Section 6214 (relating to determination by the Tax Court) is amended by relettering subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) TAXES IMPOSED BY SECTION 507 OR CHAPTER 42.—The Tax Court, in redetermining a deficiency of any tax imposed by section 507 or chapter 42 for any period, act, or failure to act, shall consider such facts with relation to the taxes under chapter 42 for other periods, acts, or failures to act as may be necessary correctly to redetermine the amount of such deficiency, but in so doing shall have no jurisdiction to determine whether or not the taxes under chapter 42 for any other period, act, or failure to act have been overpaid or underpaid.”

Ante, p. 492.
Ante, p. 498.

(44) Section 6214(d) (as relettered) is amended by inserting “, chapter 42,” after “chapter”.

Ante, p. 530.

(45) Section 6344(a)(1) (relating to certain cross references) is amended by inserting “and taxes imposed by chapter 42,” after “gift taxes.”

68A Stat. 789.
26 USC 6344.

(46) Section 6503(a)(1) (relating to issuance of statutory notice of deficiency) is amended by striking out “and gift taxes” and inserting in lieu thereof “gift and chapter 42 taxes”.

(47) Section 6512(a) (relating to effect of petition to Tax Court) is amended—

(A) by striking out “and gift taxes” and inserting in lieu thereof “gift, and chapter 42 taxes”, and

(B) by striking out “or of estate tax in respect of the taxable estate of the same decedent,” and inserting in lieu thereof “of estate tax in respect of the taxable estate of the same decedent, or of tax imposed by chapter 42 with respect to any act (or failure to act) to which such petition relates.”

(48) Section 6512(b)(1) (relating to jurisdiction to determine overpayment determined by Tax Court) is amended by striking out “or of estate tax in respect of the taxable estate of the same decedent,” and inserting in lieu thereof “of estate tax in respect of the taxable estate of the same decedent, or of tax imposed by chapter 42 with respect to any act (or failure to act) to which such petition relates.”

(49) Section 6601(d) (relating to suspension of interest in certain cases) is amended—

(A) by striking out in the title thereof “AND GIFT TAX CASES.” and inserting in lieu thereof “GIFT, AND CHAPTER 42 TAX CASES.”, and

(B) by striking out “and gift taxes” and inserting in lieu thereof “gift, and chapter 42 taxes”.

(50) Section 6653(c)(1) (relating to definition of underpayment) is amended—

(A) by striking out in the heading thereof “AND GIFT TAXES.” and inserting in lieu thereof “GIFT, AND CHAPTER 42 TAXES.”, and

(B) by striking out “and gift taxes” the last time it appears and inserting in lieu thereof “gift, and chapter 42 taxes”.

(51) Section 6659(b) (relating to procedure for assessing certain additions to tax) is amended by striking out “and gift taxes” and inserting in lieu thereof “gift, and chapter 42 taxes”.

75 Stat. 829.

(52) Section 6676(b) (relating to deficiency procedures not to apply) is amended by striking out “and gift taxes” and inserting in lieu thereof “gift, and chapter 42 taxes”.

76 Stat. 988.

(53) Section 6677(b) (relating to deficiency procedures not to apply) is amended by striking out “and gift taxes” and inserting in lieu thereof “gift, and chapter 42 taxes”.

76 Stat. 1062.
26 USC 6679.

80 Stat. 61.

68A Stat. 877.

Ante, p. 515.

68A Stat. 163.

68A Stat. 473.

68A Stat. 163.

68A Stat. 770.

68A Stat. 767.

(54) Section 6679(b) (relating to deficiency procedures not to apply) is amended by striking out "and gift taxes" and inserting in lieu thereof "gift, and chapter 42 taxes".

(55) Section 6682(b) (relating to deficiency procedures not to apply) is amended by striking out "and gift taxes" and inserting in lieu thereof "gift, and chapter 42 taxes".

(56) Section 7422(e) (relating to stay of proceeding in civil actions for refund) is amended by striking out "or gift tax" the first time it appears and inserting in lieu thereof "gift tax, or tax imposed by chapter 42".

(57) Section 7454 (relating to burden of proof in fraud and transferee cases) is amended—

(A) by striking out "**FRAUD AND TRANSFEE CASES**" and inserting in lieu thereof "**FRAUD, FOUNDATION MANAGER, AND TRANSFEE CASES**",

(B) by redesignating subsection (b) as subsection (c), and

(C) by inserting after subsection (a) the following new subsection:

"(b) FOUNDATION MANAGERS.—In any proceeding involving the issue whether a foundation manager (as defined in section 4946(b)) has 'knowingly' participated in an act of self-dealing (within the meaning of section 4941), participated in an investment which jeopardizes the carrying out of exempt purposes (within the meaning of section 4944), or agreed to the making of a taxable expenditure (within the meaning of section 4945), the burden of proof in respect of such issue shall be upon the Secretary or his delegate."

(58) The table of parts for subchapter F of chapter 1 is amended to read as follows:

"Subchapter F.—Exempt Organizations

"Part I. General rule.

"Part II. Private foundations.

"Part III. Taxation of business income of certain exempt organizations.

"Part IV. Farmers' cooperatives.

"Part V. Shipowners' protection and indemnity associations."

(59) The table of chapters for subtitle D is amended by adding at the end thereof the following new item:

"Chapter 42. Private foundations."

(60) The table of sections for subchapter B of chapter 68 is amended by adding at the end thereof the following new items:

"Sec. 6684. Repeated liability for tax under chapter 42.

"Sec. 6685. Assessable penalties with respect to private foundation annual reports."

(61) The table of sections for part I of subchapter F of chapter 1 is amended by striking out the item relating to section 504.

(62) The heading of subchapter B of chapter 68 is amended by striking out "and Gift Taxes" and inserting in lieu thereof "Gift, and Certain Excise Taxes".

(63) The table of subchapters for chapter 68 is amended by striking out "and gift taxes" in the item relating to subchapter B and inserting in lieu thereof "gift, and certain excise taxes".

(64) The table of subparts for part III of subchapter A of chapter 61 is amended by adding at the end thereof the following new item:

“Subpart D. Information concerning private foundations.”

(k) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection and subsection (l), the amendments made by this section shall take effect on January 1, 1970.

(2) **PROVISIONS EFFECTIVE FOR TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1969.**—The following provisions shall apply to taxable years beginning after December 31, 1969:

(A) Sections 4940, 4942, 4943, and 4948 of the Internal Revenue Code of 1954 (as added by this section), and

(B) The amendments made by subsection (d) and paragraphs (3), (15), (16), (20), (21), (30), (31), (32), (33), (34), (35), and (61) of subsection (j).

(3) **SECTIONS 508 (a), (b), AND (c).**—Sections 508 (a), (b), and (c) of the Internal Revenue Code of 1954 (as added by this section) shall take effect on October 9, 1969.

Ante, p. 498.

Ante, p. 494.

(l) **SAVINGS PROVISIONS.**—

(1) **REFERENCES TO INTERNAL REVENUE CODE PROVISIONS.**—Except as otherwise expressly provided, references in the following paragraphs of this subsection are to sections of the Internal Revenue Code of 1954 as amended by this section.

(2) **SECTION 4941.**—Section 4941 shall not apply to—

(A) any transaction between a private foundation and a corporation which is a disqualified person (as defined in section 4946), pursuant to the terms of securities of such corporation in existence at the time acquired by the foundation, if such securities were acquired by the foundation before May 27, 1969;

(B) the sale, exchange, or other disposition of property which is owned by a private foundation on May 26, 1969 (or which is acquired by a private foundation under the terms of a trust which was irrevocable on May 26, 1969, or under the terms of a will executed on or before such date, which are in effect on such date and at all times thereafter), to a disqualified person, if such foundation is required to dispose of such property in order not to be liable for tax under section 4943 (relating to taxes on excess business holdings) applied, in the case of a disposition before January 1, 1975, without taking section 4943(c)(4) into account and it receives in return an amount which equals or exceeds the fair market value of such property at the time of such disposition or at the time a contract for such disposition was previously executed in a transaction which would not constitute a prohibited transaction (within the meaning of section 503(b) or the corresponding provisions of prior law);

(C) the leasing of property or the lending of money or other extension of credit between a disqualified person and a private foundation pursuant to a binding contract in effect on October 9, 1969 (or pursuant to renewals of such a contract), until taxable years beginning after December 31, 1979, if such leasing or lending (or other extension of credit) remains at least as favorable as an arm's-length transaction with an unrelated party and if the execution of such contract

was not at the time of such execution a prohibited transaction (within the meaning of section 503(b) or the corresponding provisions of prior law);

(D) the use of goods, services, or facilities which are shared by a private foundation and a disqualified person until taxable years beginning after December 31, 1979, if such use is pursuant to an arrangement in effect before October 9, 1969, and such arrangement was not a prohibited transaction (within the meaning of section 503(b) or the corresponding provisions of prior law) at the time it was made and would not be a prohibited transaction if such section continued to apply; and

(E) the use of property in which a private foundation and a disqualified person have a joint or common interest, if the interests of both in such property were acquired before October 9, 1969.

Ante, p. 527.

Ante, p. 502.

(3) SECTION 4942.—In the case of organizations organized before May 27, 1969, section 4942 shall—

(A) for all purposes other than the determination of the minimum investment return under section 4942(j)(3)(B)(ii), for taxable years beginning before January 1, 1972, apply without regard to section 4942(e) (relating to minimum investment return), and for taxable years beginning in 1972, 1973, and 1974, apply with an applicable percentage (as prescribed in section 4942(e)(3)) which does not exceed $1\frac{1}{2}$ percent, 5 percent, and $5\frac{1}{2}$ percent, respectively;

(B) not apply to an organization to the extent its income is required to be accumulated pursuant to the mandatory terms (as in effect on May 26, 1969, and at all times thereafter) of an instrument executed before May 27, 1969, with respect to the transfer of income producing property to such organization, except that section 4942 shall apply to such organization if the organization would have been denied exemption if section 504(a) had not been repealed by this Act, or would have had its deductions under section 642(c) limited if section 681(c) had not been repealed by this Act. In applying the preceding sentence, in addition to the limitations contained in section 504(a) or 681(c) before its repeal, section 504(a)(1) or 681(c)(1) shall be treated as not applying to an organization to the extent its income is required to be accumulated pursuant to the mandatory terms (as in effect on January 1, 1951, and at all times thereafter) of an instrument executed before January 1, 1951, with respect to the transfer of income producing property to such organization before such date, if such transfer was irrevocable on such date;

(C) apply to a grant to a private foundation described in section 4942(g)(1)(A)(ii) which is not described in section 4942(g)(1)(A)(i), pursuant to a written commitment which was binding on May 26, 1969, and at all times thereafter, as if such grant is a grant to an operating foundation (as defined in section 4942(j)(3)), if such grant is made for one or more of the purposes described in section 170(c)(2)(B) and is to be paid out to such private foundation on or before December 31, 1974;

(D) apply, for purposes of section 4942(f), in such a manner as to treat any distribution made to a private foundation in redemption of stock held by such private foundation in a business enterprise as not essentially equivalent to a dividend under section 302(b)(1) if such redemption is described in paragraph (2)(B) of this subsection; and

Ante, p. 527.

Post, p. 558.

Ante, p. 528.

Post, p. 553.

(E) not apply to an organization which is prohibited by its governing instrument or other instrument from distributing capital or corpus to the extent the requirements of section 4942 are inconsistent with such prohibition.

Ante, p. 502.

With respect to taxable years beginning after December 31, 1971, subparagraphs (B) and (E) shall apply only during the pendency of any judicial proceeding by the private foundation which is necessary to reform, or to excuse such foundation from compliance with, its governing instrument or any other instrument (as in effect on May 26, 1969) in order to comply with the provisions of section 4942, and in the case of subparagraph (B) for all periods after the termination of such judicial proceeding during which the governing instrument or any other instrument does not permit compliance with such provisions.

(4) SECTION 4943.—

(A) In the case of a private foundation—

- (i) which was incorporated before January 1, 1951;
- (ii) substantially all of the assets of which on May 26, 1969, consist of more than 90 percent of the stock of an incorporated business enterprise which is licensed and regulated, the sales or contracts of which are regulated, and the professional representatives of which are licensed, by State regulatory agencies in at least 10 States; and
- (iii) which acquired such stock solely by gift, devise, or bequest,

section 4943(c)(4)(A)(i) shall be applied with respect to the holdings of such foundation in such incorporated business enterprise by substituting "51 percent" for "50 percent", and section 4943(c)(4)(D) shall not apply with respect to such holdings. For purposes of the preceding sentence, stock of such enterprise in a trust created before May 27, 1969, of which the foundation is the remainder beneficiary shall be deemed to be held by such foundation on May 26, 1969, if such foundation held (without regard to such trust) more than 20 percent of the stock of such enterprise on May 26, 1969.

Ante, p. 507.

(B) Subparagraph (A) shall apply to a private foundation only if—

- (i) the foundation does not purchase any stock or other interest in the enterprise described in subparagraph (A) after May 26, 1969, and does not acquire any stock or other interest in any other business enterprise which constitutes excess business holdings under section 4943; and
- (ii) in the last 5 taxable years ending on or before December 31, 1970, the foundation expends substantially all of its adjusted net income (as defined in section 4942(f)) for the purpose or function for which it is organized and operated.

(C) For purposes of section 4943(c)(6), the term "purchase" does not include an exchange which is described in paragraph (2)(B) of this subsection and which is pursuant to a plan for disposition of excess business holdings.

(5) SECTION 4945.—Section 4945 (d)(4) and (h) shall not apply to a grant which is described in paragraph (3)(C) of this subsection.

(6) SECTION 508(e).—Section 508(e) shall not apply to require inclusion in governing instruments of any provisions inconsistent with this subsection.

Ante, p. 494.

*Ante, p. 496.*68A Stat. 163.
26 USC 501.Ante. pp. 498,
518.

(7) SECTION 509(a).—In the case of any trust created under the terms of a will or a codicil to a will executed on or before March 30, 1924, by which the testator bequeathed all of the outstanding common stock of a corporation in trust, the income of which trust is to be used principally for the benefit of those from time to time employed by the corporation and their families, the trustees of which trust are elected or selected from among the employees of such corporation, and which trust does not own directly any stock in any other corporation, if the trust makes an irrevocable election under this paragraph within one year after the date of the enactment of this Act, such trust shall be treated as not being a private foundation for purposes of the Internal Revenue Code of 1954 but shall be treated for purposes of such Code as if it were not exempt from tax under section 501(a) for any taxable year beginning after the date of the enactment of this Act and before the date (if any) on which such trust has complied with the requirements of section 507 for termination of the status of an organization as a private foundation.

(8) CERTAIN REDEMPTIONS.—For purposes of applying section 302(b) (1) to the determination of the amount of gross investment income under sections 4940 and 4948(a), any distribution made to a private foundation in redemption of stock held by such private foundation in a business enterprise shall be treated as not essentially equivalent to a dividend, if such redemption is described in paragraph (2) (B) of this subsection.

Subtitle B—Other Tax Exempt Organizations

SEC. 121. TAX ON UNRELATED BUSINESS INCOME.

(a) ORGANIZATIONS SUBJECT TO TAX.—

(1) CORPORATE RATES.—Section 511(a) (2) (A) (relating to certain organizations subject to tax on unrelated business income at corporate rates) is amended to read as follows:

“(A) ORGANIZATIONS DESCRIBED IN SECTIONS 401(a) AND 501(c).—The taxes imposed by paragraph (1) shall apply in the case of any organization (other than a trust described in subsection (b) or an organization described in section 501 (c) (1)) which is exempt, except as provided in this part or part II (relating to private foundations), from taxation under this subtitle by reason of section 501(a).”

(2) INDIVIDUAL RATES.—Section 511(b) (2) (relating to charitable, etc., trusts subject to tax on unrelated business income) is amended to read as follows:

“(2) CHARITABLE, ETC., TRUSTS SUBJECT TO TAX.—The tax imposed by paragraph (1) shall apply in the case of any trust which is exempt, except as provided in this part or part II (relating to private foundations), from taxation under this subtitle by reason of section 501(a) and which, if it were not for such exemption, would be subject to subchapter J (sec. 641 and following, relating to estates, trusts, beneficiaries, and decedents).”

(3) SECTION 501(c)(2) CORPORATIONS.—Section 511 (relating to tax on unrelated business income) is amended by striking out subsection (c) and inserting in lieu thereof the following new subsection:

“(c) SPECIAL RULE FOR SECTION 501(c)(2) CORPORATIONS.—If a corporation described in section 501(c)(2)—

“(1) pays any amount of its net income for a taxable year to an organization exempt from taxation under section 501(a) (or

68A Stat. 169;
Post, p. 585.
26 USC 511.

which would pay such an amount but for the fact that the expenses of collecting its income exceed its income), and

“(2) such corporation and such organization file a consolidated return for the taxable year,

such corporation shall be treated, for purposes of the tax imposed by subsection (a), as being organized and operated for the same purposes as such organization, in addition to the purposes described in section 501(c)(2).”

(4) CONFORMING AMENDMENT.—Section 1504 (relating to definitions for purposes of consolidated returns) is amended by adding at the end thereof the following new subsection:

“(e) INCLUDIBLE TAX-EXEMPT ORGANIZATIONS.—Despite the provisions of paragraph (1) of subsection (b), two or more organizations exempt from taxation under section 501, one or more of which is described in section 501(c)(2) and the others of which derive income from such 501(c)(2) organizations, shall be considered as includible corporations for the purpose of the application of subsection (a) to such organizations alone.”

(b) DEFINITION OF UNRELATED BUSINESS TAXABLE INCOME.—

(1) IN GENERAL.—Section 512(a) (relating to definition of unrelated business taxable income) is amended to read as follows:

“(a) DEFINITION.—For purposes of this title—

“(1) GENERAL RULE.—Except as otherwise provided in this subsection, the term ‘unrelated business taxable income’ means the gross income derived by any organization from any unrelated trade or business (as defined in section 513) regularly carried on by it, less the deductions allowed by this chapter which are directly connected with the carrying on of such trade or business, both computed with the modifications provided in subsection (b).

“(2) SPECIAL RULE FOR FOREIGN ORGANIZATIONS.—In the case of an organization described in section 511 which is a foreign organization, the unrelated business taxable income shall be—

“(A) its unrelated business taxable income which is derived from sources within the United States and which is not effectively connected with the conduct of a trade or business within the United States, plus

“(B) its unrelated business taxable income which is effectively connected with the conduct of a trade or business within the United States.

“(3) SPECIAL RULES APPLICABLE TO ORGANIZATIONS DESCRIBED IN SECTION 501(C)(7) OR (9).—

“(A) GENERAL RULE.—In the case of an organization described in section 501(c)(7) or (9), the term ‘unrelated business taxable income’ means the gross income (excluding any exempt function income), less the deductions allowed by this chapter which are directly connected with the production of the gross income (excluding exempt function income), both computed with the modifications provided in paragraphs (6), (10), (11), and (12) of subsection (b).

“(B) EXEMPT FUNCTION INCOME.—For purposes of subparagraph (A), the term ‘exempt function income’ means the gross income from dues, fees, charges, or similar amounts paid by members of the organization as consideration for providing such members or their dependents or guests goods, facilities, or services in furtherance of the purposes constituting the basis for the exemption of the organization to which such income is paid. Such term also means all income (other than an amount equal to the gross income derived from any unrelated trade or business regularly carried on by such

68A Stat. 163.
26 USC 501.

Post, p. 542.

Ante, p. 536.

Post, p. 541.

Post, p. 554.*Post*, p. 541.68A Stat. 163.
26 USC 501.

organization computed as if the organization were subject to paragraph (1), which is set aside—

“(i) for a purpose specified in section 170(c)(4), or

“(ii) in the case of an organization described in section 501(c)(9), to provide for the payment of life, sick, accident, or other benefits,

including reasonable costs of administration directly connected with a purpose described in clause (i) or (ii). If during the taxable year, an amount which is attributable to income so set aside is used for a purpose other than that described in clause (i) or (ii), such amount shall be included, under subparagraph (A), in unrelated business taxable income for the taxable year.

(C) APPLICABILITY TO CERTAIN CORPORATIONS DESCRIBED IN SECTION 501(c)(2).—In the case of a corporation described in section 501(c)(2), the income of which is payable to an organization described in section 501(c)(7) or (9), subparagraph (A) shall apply as if such corporation were the organization to which the income is payable. For purposes of the preceding sentence, such corporation shall be treated as having exempt function income for a taxable year only if it files a consolidated return with such organization for such year.

“(D) NONRECOGNITION OF GAIN.—If property used directly in the performance of the exempt function of an organization described in section 501(c)(7) or (9) is sold by such organization, and within a period beginning 1 year before the date of such sale, and ending 3 years after such date, other property is purchased and used by such organization directly in the performance of its exempt function, gain (if any) from such sale shall be recognized only to the extent that such organization's sales price of the old property exceeds the organization's cost of purchasing the other property. For purposes of this subparagraph, the destruction in whole or in part, theft, seizure, requisition, or condemnation of property, shall be treated as the sale of such property, and rules similar to the rules provided by subsections (b), (c), (e), and (j) of section 1034 shall apply.”

(2) MODIFICATIONS.—

(A) RENTS AND DEBT-FINANCED PROPERTY.—Section 512(b)(3) (relating to modifications with respect to rents from real property) and section 512(b)(4) (relating to modifications with respect to business leases) are amended to read as follows:

“(3) In the case of rents—

“(A) Except as provided in subparagraph (B), there shall be excluded—

“(i) all rents from real property (including property described in section 1245(a)(3)(C)), and

“(ii) all rents from personal property (including for purposes of this paragraph as personal property any property described in section 1245(a)(3)(B)) leased with such real property, if the rents attributable to such personal property are an incidental amount of the total rents received or accrued under the lease, determined at the time the personal property is placed in service.

“(B) Subparagraph (A) shall not apply—

76 Stat. 1032;
78 Stat. 35.

“(i) if more than 50 percent of the total rent received or accrued under the lease is attributable to personal property described in subparagraph (A)(ii), or

“(ii) if the determination of the amount of such rent depends in whole or in part on the income or profits derived by any person from the property leased (other than an amount based on a fixed percentage or percentages of receipts or sales).

“(C) There shall be excluded all deductions directly connected with rents excluded under subparagraph (A).

“(4) Notwithstanding paragraph (1), (2), (3), or (5), in the case of debt-financed property (as defined in section 514) there shall be included, as an item of gross income derived from an unrelated trade or business, the amount ascertained under section 514(a)(1), and there shall be allowed, as a deduction, the amount ascertained under section 514(a)(2).”

(B) LIMIT ON SPECIFIC DEDUCTION.—Section 512(b)(12) (relating to allowance of specific deduction) is amended to read as follows:

“(12) Except for purposes of computing the net operating loss under section 172 and paragraph (6), there shall be allowed a specific deduction of \$1,000. In the case of a diocese, province of a religious order, or a convention or association of churches, there shall also be allowed, with respect to each parish, individual church, district, or other local unit, a specific deduction equal to the lower of—

“(A) \$1,000, or

“(B) the gross income derived from any unrelated trade or business regularly carried on by such local unit.”

(C) SPECIAL RULES FOR CERTAIN ORGANIZATIONS.—Section 512(b) (relating to modifications in determining unrelated business taxable income) is further amended by adding at the end thereof the following:

“(15) Notwithstanding paragraphs (1), (2), or (3), amounts of interest, annuities, royalties, and rents derived from any organization (in this paragraph called the ‘controlled organization’) of which the organization deriving such amounts (in this paragraph called the ‘controlling organization’) has control (as defined in section 368(c)) shall be included as an item of gross income (whether or not the activity from which such amounts are derived represents a trade or business or is regularly carried on) in an amount which bears the same ratio as—

“(A)(i) in the case of a controlled organization which is not exempt from taxation under section 501(a), the excess of the amount of taxable income of the controlled organization over the amount of such organization’s taxable income which if derived directly by the controlling organization would not be unrelated business taxable income, or

“(ii) in the case of a controlled organization which is exempt from taxation under section 501(a), the amount of unrelated business taxable income of the controlled organization, bears to

“(B) the taxable income of the controlled organization (determined in the case of a controlled organization to which subparagraph (A)(ii) applies as if it were not an organization exempt from taxation under section 501(a)), but not less than the amount determined in clause (i) or (ii), as the case may be, of subparagraph (A),

Post, p. 543.

68A Stat. 171.

Post, p. 619.

68A Stat. 121.
26 USC 368.

both amounts computed without regard to amounts paid directly or indirectly to the controlling organization. There shall be allowed all deductions directly connected with amounts included in gross income under the preceding sentence.

“(16) Except as provided in paragraph (4), in the case of a church, or convention or association of churches, for taxable years beginning before January 1, 1976, there shall be excluded all gross income derived from a trade or business and all deductions directly connected with the carrying on of such trade or business if such trade or business was carried on by such organization or its predecessor before May 27, 1969.

“(17) Except as provided in paragraph (4), in the case of a trade or business—

“(A) which consists of providing services under license issued by a Federal regulatory agency,

“(B) which is carried on by a religious order or by an educational institution (as defined in section 151(e)(4)) maintained by such religious order, and which was so carried on before May 27, 1959, and

“(C) less than 10 percent of the net income of which for each taxable year is used for activities which are not related to the purpose constituting the basis for the religious order's exemption,

there shall be excluded all gross income derived from such trade or business and all deductions directly connected with the carrying on of such trade or business, so long as it is established to the satisfaction of the Secretary or his delegate that the rates or other charges for such services are competitive with rates or other charges charged for similar services by persons not exempt from taxation.”

(D) TECHNICAL AMENDMENT.—Section 512(b) (relating to exceptions, additions, and limitations in determining unrelated business taxable income) is amended by striking out so much thereof as precedes paragraph (1) and inserting in lieu thereof the following:

“(b) MODIFICATIONS.—The modifications referred to in subsection (a) are the following:”

(3) RELATED AMENDMENT.—

(A) Part IX of subchapter B of chapter 1 (relating to items not deductible) is amended by adding at the end thereof the following new section:

“SEC. 277. DEDUCTIONS INCURRED BY CERTAIN MEMBERSHIP ORGANIZATIONS IN TRANSACTIONS WITH MEMBERS.

“(a) GENERAL RULE.—In the case of a social club or other membership organization which is operated primarily to furnish services or goods to members and which is not exempt from taxation, deductions for the taxable year attributable to furnishing services, insurance, goods, or other items of value to members shall be allowed only to the extent of income derived during such year from members or transactions with members (including income derived during such year from institutes and trade shows which are primarily for the education of members). If for any taxable year such deductions exceed such income, the excess shall be treated as a deduction attributable to furnishing services, insurance, goods, or other items of value to members paid or incurred in the succeeding taxable year.

“(b) EXCEPTIONS.—Subsection (a) shall not apply to any organization—

“(1) which for the taxable year is subject to taxation under subchapter H or L,

“(2) which has made an election before October 9, 1969, under section 456(c) or which is affiliated with such an organization, or

75 Stat. 222.
26 USC 456.

“(3) which for each day of any taxable year is a national securities exchange subject to regulation under the Securities Exchange Act of 1934 or a contract market subject to regulation under the Commodity Exchange Act.”

48 Stat. 881.
15 USC 78a.
42 Stat. 998.
7 USC 1.

(B) The table of sections for part IX of subchapter B of chapter 1 is amended by adding at the end thereof the following:

“Sec. 277. Deductions incurred by certain membership organizations in transactions with members.”

68A Stat. 172.

(4) LOCAL EMPLOYEE ASSOCIATION.—Section 513(a)(2) (relating to exception to definition of unrelated trade or business) is amended by striking out “employees; or” and inserting in lieu thereof the following: “employees, or, in the case of a local association of employees described in section 501(c)(4) organized before May 27, 1969, which is the selling by the organization of items of work-related clothes and equipment and items normally sold through vending machines, through food dispensing facilities, or by snack bars, for the convenience of its members at their usual places of employment; or”.

(5) VOLUNTARY EMPLOYEES’ BENEFICIARY ASSOCIATIONS AND CERTAIN FRATERNAL SOCIETIES.—

26 USC 501.

(A) IN GENERAL.—Section 501(c) (relating to list of exempt organizations) is amended by striking out paragraphs (9) and (10) and inserting in lieu thereof the following:

“(9) Voluntary employees’ beneficiary associations providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents or designated beneficiaries, if no part of the net earnings of such association inures (other than through such payments) to the benefit of any private shareholder or individual.

“(10) Domestic fraternal societies, orders, or associations, operating under the lodge system—

“(A) the net earnings of which are devoted exclusively to religious, charitable, scientific, literary, educational, and fraternal purposes, and

“(B) which do not provide for the payment of life, sick, accident, or other benefits.”

(B) CONFORMING AMENDMENTS.—Section 801(b)(2) (relating to life insurance reserves) is amended—

(i) by inserting “and” at the end of subparagraph (A),

(ii) by striking out subparagraph (B), and

(iii) by redesignating subparagraph (C) as (B).

73 Stat. 112.

Section 810 (relating to rules for certain reserves) is amended by striking out subsection (e).

(6) CERTAIN FUNDED PENSION TRUSTS.—

(A) EXEMPTION FROM TAXATION.—Section 501(c) (relating to list of exempt organizations) is amended by adding at the end thereof the following new paragraph:

“(18) A trust or trusts created before June 25, 1959, forming part of a plan providing for the payment of benefits under a pension plan funded only by contributions of employees, if—

“(A) under the plan, it is impossible, at any time prior to the satisfaction of all liabilities with respect to employees under the plan, for any part of the corpus or income to be

(within the taxable year or thereafter) used for, or diverted to, any purpose other than the providing of benefits under the plan,

“(B) such benefits are payable to employees under a classification which is set forth in the plan and which is found by the Secretary or his delegate not to be discriminatory in favor of employees who are officers, shareholders, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees, and

“(C) such benefits do not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees. A plan shall not be considered discriminatory within the meaning of this subparagraph merely because the benefits received under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of the employees covered by the plan.”

(B) CONFORMING AMENDMENTS.—

(i) Section 503(a)(1) (as amended by section 101(j)

(7) of this Act) is amended by inserting after subparagraph (B) thereof the following new paragraph:

“(C) An organization described in section 501(c)(18) shall not be exempt from taxation under section 501(a) if it has engaged in a prohibited transaction after December 31, 1969.”

(ii) Section 503 (as so amended) is amended by striking out “(c)(17)” each place it appears therein and inserting in lieu thereof “(c)(17) or (18)”.

(7) **SPECIAL RULES FOR FEEDER ORGANIZATIONS.**—Section 502 (relating to feeder organizations) is amended to read as follows:

“SEC. 502. FEEDER ORGANIZATIONS.

“(a) **GENERAL RULE.**—An organization operated for the primary purpose of carrying on a trade or business for profit shall not be exempt from taxation under section 501 on the ground that all of its profits are payable to one or more organizations exempt from taxation under section 501.

“(b) **SPECIAL RULE.**—For purposes of this section, the term “trade or business” shall not include—

“(1) the deriving of rents which would be excluded under section 512(b)(3), if section 512 applied to the organization,

“(2) any trade or business in which substantially all the work in carrying on such trade or business is performed for the organization without compensation, or

“(3) any trade or business which is the selling of merchandise, substantially all of which has been received by the organization as gifts or contributions.”

(c) **ACTIVITIES INCLUDED AS UNRELATED TRADE OR BUSINESS.**—Section 513 (relating to unrelated trade or business) is amended by striking out subsection (c) and inserting in lieu thereof the following new subsection:

“(c) **ADVERTISING, ETC., ACTIVITIES.**—For purposes of this section, the term ‘trade or business’ includes any activity which is carried on for the production of income from the sale of goods or the performance of services. For purposes of the preceding sentence, an activity does not lose identity as a trade or business merely because it is carried on within a larger aggregate of similar activities or within a larger complex of other endeavors which may, or may not, be related to the exempt purposes of the organization. Where an activity carried on for

Ante, p. 527.

Ante, p. 541.

68A Stat. 166.
26 USC 502.

Ante, pp. 538,
537.

68A Stat. 172.

profit constitutes an unrelated trade or business, no part of such trade or business shall be excluded from such classification merely because it does not result in profit."

(d) UNRELATED DEBT-FINANCED INCOME.—

(1) IN GENERAL.—Section 514 (relating to business leases) is amended by striking out so much thereof as precedes subsection (b) and inserting in lieu thereof the following:

"SEC. 514. UNRELATED DEBT-FINANCED INCOME.

"(a) UNRELATED DEBT-FINANCED INCOME AND DEDUCTIONS.—In computing under section 512 the unrelated business taxable income for any taxable year—

"(1) PERCENTAGE OF INCOME TAKEN INTO ACCOUNT.—There shall be included with respect to each debt-financed property as an item of gross income derived from an unrelated trade or business an amount which is the same percentage (but not in excess of 100 percent) of the total gross income derived during the taxable year from or on account of such property as (A) the average acquisition indebtedness (as defined in subsection (c)(7)) for the taxable year with respect to the property is of (B) the average amount (determined under regulations prescribed by the Secretary or his delegate) of the adjusted basis of such property during the period it is held by the organization during such taxable year.

"(2) PERCENTAGE OF DEDUCTIONS TAKEN INTO ACCOUNT.—There shall be allowed as a deduction with respect to each debt-financed property an amount determined by applying (except as provided in the last sentence of this paragraph) the percentage derived under paragraph (1) to the sum determined under paragraph (3). The percentage derived under this paragraph shall not be applied with respect to the deduction of any capital loss resulting from the carryback or carryover of net capital losses under section 1212.

68A Stat. 172.
26 USC 514.

Ante, pp. 537,
538.

"(3) DEDUCTIONS ALLOWABLE.—The sum referred to in paragraph (2) is the sum of the deductions under this chapter which are directly connected with the debt-financed property or the income therefrom, except that if the debt-financed property is of a character which is subject to the allowance for depreciation provided in section 167, the allowance shall be computed only by use of the straight-line method.

Post, pp. 638,
639, 642.

"(b) DEFINITION OF DEBT-FINANCED PROPERTY.—

"(1) IN GENERAL.—For purposes of this section, the term 'debt-financed property' means any property which is held to produce income and with respect to which there is an acquisition indebtedness (as defined in subsection (c)) at any time during the taxable year (or, if the property was disposed of during the taxable year, with respect to which there was an acquisition indebtedness at any time during the 12-month period ending with the date of such disposition), except that such term does not include—

"(A) (i) any property substantially all the use of which is substantially related (aside from the need of the organization for income or funds) to the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501 (or, in the case of an organization described in section 511(a)(2)(B), to the exercise or performance of any purpose or function designated in section 501(c)(3)), or (ii) any property to which clause (i) does not apply, to the extent that its use is so substantially related;

Post, p. 649.

68A Stat. 170.
26 USC 512.

Ante, p. 541.

“(B) except in the case of income excluded under section 512(b)(5), any property to the extent that the income from such property is taken into account in computing the gross income of any unrelated trade or business;

“(C) any property to the extent that the income from such property is excluded by reason of the provisions of paragraph (7), (8), or (9) of section 512(b) in computing the gross income of any unrelated trade or business; or

“(D) any property to the extent that it is used in any trade or business described in paragraph (1), (2), or (3) of section 513(a).

For purposes of subparagraph (A), substantially all the use of a property shall be considered to be substantially related to the exercise or performance by an organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501 if such property is real property subject to a lease to a medical clinic entered into primarily for purposes which are substantially related (aside from the need of such organization for income or funds or the use it makes of the rents derived) to the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501.

“(2) SPECIAL RULE FOR RELATED USES.—For purposes of applying paragraphs (1) (A), (C), and (D), the use of any property by an exempt organization which is related to an organization shall be treated as use by such organization.

“(3) SPECIAL RULES WHEN LAND IS ACQUIRED FOR EXEMPT USE WITHIN 10 YEARS.—

“(A) NEIGHBORHOOD LAND.—If an organization acquires real property for the principal purpose of using the land (commencing within 10 years of the time of acquisition) in the manner described in paragraph (1) (A) and at the time of acquisition the property is in the neighborhood of other property owned by the organization which is used in such manner, the real property acquired for such future use shall not be treated as debt-financed property so long as the organization does not abandon its intent to so use the land within the 10-year period. The preceding sentence shall not apply for any period after the expiration of the 10-year period, and shall apply after the first 5 years of the 10-year period only if the organization establishes to the satisfaction of the Secretary or his delegate that it is reasonably certain that the land will be used in the described manner before the expiration of the 10-year period.

“(B) OTHER CASES.—If the first sentence of subparagraph (A) is inapplicable only because—

“(i) the acquired land is not in the neighborhood referred to in subparagraph (A), or

“(ii) the organization (for the period after the first 5 years of the 10-year period) is unable to establish to the satisfaction of the Secretary or his delegate that it is reasonably certain that the land will be used in the manner described in paragraph (1) (A) before the expiration of the 10-year period,

but the land is converted to such use by the organization within the 10-year period, the real property (subject to the provisions of subparagraph (D)) shall not be treated as debt-financed property for any period before such conversion. For

purposes of this subparagraph, land shall not be treated as used in the manner described in paragraph (1)(A) by reason of the use made of any structure which was on the land when acquired by the organization.

(C) LIMITATIONS.—Subparagraphs (A) and (B)—

“(i) shall apply with respect to any structure on the land when acquired by the organization, or to the land occupied by the structure, only if (and so long as) the intended future use of the land in the manner described in paragraph (1)(A) requires that the structure be demolished or removed in order to use the land in such manner;

“(ii) shall not apply to structures erected on the land after the acquisition of the land; and

“(iii) shall not apply to property subject to a lease which is a business lease as (defined in subsection (f)).

(D) REFUND OF TAXES WHEN SUBPARAGRAPH (B) APPLIES.—

If an organization for any taxable year has not used land in the manner to satisfy the actual use condition of subparagraph (B) before the time prescribed by law (including extensions thereof) for filing the return for such taxable year, the tax for such year shall be computed without regard to the application of subparagraph (B), but if and when such use condition is satisfied, the provisions of subparagraph (B) shall then be applied to such taxable year. If the actual use condition of subparagraph (B) is satisfied for any taxable year after such time for filing the return, and if credit or refund of any overpayment for the taxable year resulting from the satisfaction of such use condition is prevented at the close of the taxable year in which the use condition is satisfied, by the operation of any law or rule of law (other than chapter 74, relating to closing agreements and compromises), credit or refund of such overpayment may nevertheless be allowed or made if claim therefor is filed before the expiration of 1 year after the close of the taxable year in which the use condition is satisfied. Interest on any overpayment for a taxable year resulting from the application of subparagraph (B) after the actual use condition is satisfied shall be allowed and paid at the rate of 4 percent per annum in lieu of 6 percent per annum.

68A Stat. 849.
26 USC 7121-
7123.

(E) SPECIAL RULE FOR CHURCHES.—In applying this paragraph to a church or convention or association of churches, in lieu of the 10-year period referred to in subparagraphs (A) and (B) a 15-year period shall be applied, and subparagraphs (A) and (B) (ii) shall apply whether or not the acquired land meets the neighborhood test.

(c) ACQUISITION INDEBTEDNESS.—

“(1) GENERAL RULE.—For purposes of this section, the term ‘acquisition indebtedness’ means, with respect to any debt-financed property, the unpaid amount of—

“(A) the indebtedness incurred by the organization in acquiring or improving such property;

“(B) the indebtedness incurred before the acquisition or improvement of such property if such indebtedness would not have been incurred but for such acquisition or improvement; and

“(C) the indebtedness incurred after the acquisition or improvement of such property if such indebtedness would not have been incurred but for such acquisition or improvement

and the incurrence of such indebtedness was reasonably foreseeable at the time of such acquisition or improvement, except that in the case of any taxable year beginning before January 1, 1972, any indebtedness incurred before June 28, 1966, shall not be taken into account. In the case of an organization (other than a church or convention or association of churches) such indebtedness incurred before June 28, 1966, shall be taken into account if such indebtedness constitutes business lease indebtedness (as defined in subsection (g)).

"(2) PROPERTY ACQUIRED SUBJECT TO MORTGAGE, ETC.—For purposes of this subsection—

"(A) GENERAL RULE.—Where property (no matter how acquired) is acquired subject to a mortgage or other similar lien, the amount of the indebtedness secured by such mortgage or lien shall be considered as an indebtedness of the organization incurred in acquiring such property even though the organization did not assume or agree to pay such indebtedness.

"(B) EXCEPTIONS.—Where property subject to a mortgage is acquired by an organization by bequest or devise, the indebtedness secured by the mortgage shall not be treated as acquisition indebtedness during a period of 10 years following the date of the acquisition. If an organization acquires property by gift subject to a mortgage which was placed on the property more than 5 years before the gift, which property was held by the donor more than 5 years before the gift, the indebtedness secured by such mortgage shall not be treated as acquisition indebtedness during a period of 10 years following the date of such gift. This subparagraph shall not apply if the organization, in order to acquire the equity in the property by bequest, devise, or gift, assumes and agrees to pay the indebtedness secured by the mortgage, or if the organization makes any payment for the equity in the property owned by the decedent or the donor.

"(3) EXTENSION OF OBLIGATIONS.—For purposes of this section, an extension, renewal, or refinancing of an obligation evidencing a pre-existing indebtedness shall not be treated as the creation of a new indebtedness.

"(4) INDEBTEDNESS INCURRED IN PERFORMING EXEMPT PURPOSE.—For purposes of this section, the term 'acquisition indebtedness' does not include indebtedness the incurrence of which is inherent in the performance or exercise of the purpose or function constituting the basis of the organization's exemption, such as the indebtedness incurred by a credit union described in section 501(c)(14) in accepting deposits from its members.

"(5) ANNUITIES.—For purposes of this section, the term 'acquisition indebtedness' does not include an obligation to pay an annuity which—

"(A) is the sole consideration (other than a mortgage to which paragraph (2)(B) applies) issued in exchange for property if, at the time of the exchange, the value of the annuity is less than 90 percent of the value of the property received in the exchange,

"(B) is payable over the life of one individual in being at the time the annuity is issued, or over the lives of two individuals in being at such time, and

"(C) is payable under a contract which—

"(i) does not guarantee a minimum amount of payments or specify a maximum amount of payments, and

“(ii) does not provide for any adjustment of the amount of the annuity payments by reference to the income received from the transferred property or any other property.

“(6) CERTAIN FEDERAL FINANCING.—For purposes of this section, the term ‘acquisition indebtedness’ does not include an obligation, to the extent that it is insured by the Federal Housing Administration, to finance the purchase, rehabilitation, or construction of housing for low and moderate income persons.

“(7) AVERAGE ACQUISITION INDEBTEDNESS.—For purposes of this section, the term ‘average acquisition indebtedness’ for any taxable year with respect to a debt-financed property means the average amount, determined under regulations prescribed by the Secretary or his delegate, of the acquisition indebtedness during the period the property is held by the organization during the taxable year, except that for the purpose of computing the percentage of any gain or loss to be taken into account on a sale or other disposition of debt-financed property, such term means the highest amount of the acquisition indebtedness with respect to such property during the 12-month period ending with the date of the sale or other disposition.

“(d) BASIS OF DEBT-FINANCED PROPERTY ACQUIRED IN CORPORATE LIQUIDATION.—For purposes of this subtitle, if the property was acquired in a complete or partial liquidation of a corporation in exchange for its stock, the basis of the property shall be the same as it would be in the hands of the transferor corporation, increased by the amount of gain recognized to the transferor corporation upon such distribution and by the amount of any gain to the organization which was included, on account of such distribution, in unrelated business taxable income under subsection (a).

“(e) ALLOCATION RULES.—Where debt-financed property is held for purposes described in subsection (b)(1) (A), (B), (C), or (D) as well as for other purposes, proper allocation shall be made with respect to basis, indebtedness, and income and deductions. The allocations required by this section shall be made in accordance with regulations prescribed by the Secretary or his delegate to the extent proper to carry out the purposes of this section.”

(2) RELATED AMENDMENTS.—

(A) Section 48(a)(4) (relating to definition of section 38 property) is amended by adding at the end thereof the following new sentence: “If the property is debt-financed property (as defined in section 514(c)), the basis or cost of such property for purposes of computing qualified investment under section 46(c) shall include only that percentage of the basis or cost which is the same percentage as is used under section 514(b), for the year the property is placed in service, in computing the amount of gross income to be taken into account during such taxable year with respect to such property.”

76 Stat. 967.
26 USC 48.

Post, p. 543.

76 Stat. 963.

68A Stat. 232.

(B) The second sentence of section 681(a) (relating to limitation on charitable deduction of taxable trusts) is amended by striking out the words “certain leases” and inserting in lieu thereof “certain property acquired with borrowed funds”.

(C) Section 1443(a) (relating to withholding of tax on payments to foreign tax-exempt organizations) is amended by striking out “rents” and inserting in lieu thereof “income”.

Ante, p. 528.

68A Stat. 172.
26 USC 514.

68A Stat. 169;
Ante, p. 492.

68A Stat. 745.

Ante, p. 536.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Subsections (b), (c), and (d) of section 514 (relating to business leases) are relettered as subsections (f), (g), and (h), respectively.

(B) New subsection (f)(1) (old subsection (b)(1), relating to general rule for definition of business lease) is amended by striking out "subsection (c)" and inserting in lieu thereof "subsection (g)".

(C) The table of sections for part III of subchapter F of chapter 1 (as redesignated by section 101(a) of this Act) is amended by striking out—

"Sec. 514. Business leases."

and inserting in lieu thereof the following:

"Sec. 514. Unrelated debt-financed income."

(e) RETURNS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by adding at the end thereof the following new section:

"SEC. 6050. RETURNS RELATING TO CERTAIN TRANSFERS TO EXEMPT ORGANIZATIONS.

"(a) GENERAL RULE.—On or before the 90th day after the transfer of income producing property, the transferor shall make a return in compliance with the provisions of subsection (b) if the transferee is known by the transferor to be an organization referred to in section 511 (a) or (b) and the property (without regard to any lien) has a fair market value in excess of \$50,000.

"(b) FORM AND CONTENTS OF RETURNS.—The return required by subsection (a) shall be in such form and shall set forth, in respect of the transfer, such information as the Secretary or his delegate prescribes by regulations as necessary for carrying out the provisions of the income tax laws."

(2) TECHNICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by adding at the end thereof the following:

"Sec. 6050. Returns relating to certain transfers to exempt organizations."

(f) RESTRICTION ON EXAMINATION OF CHURCHES.—Section 7605 (relating to time and place of examination) is amended by adding at the end thereof the following new subsection:

"(c) RESTRICTION ON EXAMINATION OF CHURCHES.—No examination of the books of account of a church or convention or association of churches shall be made to determine whether such organization may be engaged in the carrying on of an unrelated trade or business or may be otherwise engaged in activities which may be subject to tax under part III of subchapter F of chapter 1 of this title (sec. 511 and following, relating to taxation of business income of exempt organizations) unless the Secretary or his delegate (such officer being no lower than a principal internal revenue officer for an internal revenue region) believes that such organization may be so engaged and so notifies the organization in advance of the examination. No examination of the religious activities of such an organization shall be made except to the extent necessary to determine whether such organization is a church or a convention or association of churches, and no examination of the books of account of such an organization shall be made other than to the extent necessary to determine the amount of tax imposed by this title."

(g) EFFECTIVE DATES.—The amendments made by this section (other than by subsections (b) (3) and (e)) shall apply to taxable years beginning after December 31, 1969. The amendments made by subsection (b) (3) shall apply to taxable years beginning after December 31, 1970. The amendments made by subsection (e) shall apply with respect to transfers of property after December 31, 1969. Where an organization makes a bargain purchase of property before October 9, 1969, which is subject to a mortgage which was placed on the property more than 5 years before the purchase, and the organization paid the seller a total amount no greater than the amount of the seller's cost (including attorneys' fees) directly related to the transfer of such property to the organization (but in any event no more than 10 percent of the value of the seller's equity in the property), the indebtedness secured by such mortgage shall not be treated, notwithstanding the amendments made by subsection (d) (1), as acquisition indebtedness for purposes of section 514(c)(1) of the Internal Revenue Code of 1954 during a period of 10 years following the date of the transaction.

Ante, p. 545.

TITLE II—INDIVIDUAL DEDUCTIONS

Subtitle A—Charitable Contributions

SEC. 201. CHARITABLE CONTRIBUTIONS.

(a) LIMITATIONS AND SPECIAL RULES.—

(1) IN GENERAL.—Section 170 (relating to charitable, etc., contributions and gifts) is amended—

(A) by redesignating subsections (h) and (i) as (i) and (j), respectively, and by redesignating subsection (d) as (h), and

(B) by striking out subsections (a), (b), (c), (e), and (f) and inserting in lieu thereof the following:

“(a) ALLOWANCE OF DEDUCTION.—

“(1) GENERAL RULE.—There shall be allowed as a deduction any charitable contribution (as defined in subsection (c)) payment of which is made within the taxable year. A charitable contribution shall be allowable as a deduction only if verified under regulations prescribed by the Secretary or his delegate.

“(2) CORPORATIONS ON ACCRUAL BASIS.—In the case of a corporation reporting its taxable income on the accrual basis, if—

“(A) the board of directors authorizes a charitable contribution during any taxable year, and

“(B) payment of such contribution is made after the close of such taxable year and on or before the 15th day of the third month following the close of such taxable year,

then the taxpayer may elect to treat such contribution as paid during such taxable year. The election may be made only at the time of the filing of the return for such taxable year, and shall be signified in such manner as the Secretary or his delegate shall by regulations prescribe.

“(3) FUTURE INTERESTS IN TANGIBLE PERSONAL PROPERTY.—

For purposes of this section, payment of a charitable contribution which consists of a future interest in tangible personal property shall be treated as made only when all intervening interests in, and rights to the actual possession or enjoyment of, the property have expired or are held by persons other than the taxpayer or those standing in a relationship to the taxpayer described in section

68A Stat. 58.
26 USC 170.

68A Stat. 78.
26 USC 267.

267(b). For purposes of the preceding sentence, a fixture which is intended to be severed from the real property shall be treated as tangible personal property.

(b) PERCENTAGE LIMITATIONS.—

“(1) INDIVIDUALS.—In the case of an individual, the deduction provided in subsection (a) shall be limited as provided in the succeeding subparagraphs.

“(A) GENERAL RULE.—Any charitable contribution to—

“(i) a church or a convention or association of churches,

“(ii) an educational organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on,

“(iii) an organization the principal purpose or functions of which are the providing of medical or hospital care or medical education or medical research, if the organization is a hospital, or if the organization is a medical research organization directly engaged in the continuous active conduct of medical research in conjunction with a hospital, and during the calendar year in which the contribution is made such organization is committed to spend such contributions for such research before January 1 of the fifth calendar year which begins after the date such contribution is made,

“(iv) an organization which normally receives a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501(a)) from the United States or any State or political subdivision thereof or from direct or indirect contributions from the general public, and which is organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of a college or university which is an organization referred to in clause (ii) of this subparagraph and which is an agency or instrumentality of a State or political subdivision thereof, or which is owned or operated by a State or political subdivision thereof or by an agency or instrumentality of one or more States or political subdivisions,

“(v) a governmental unit referred to in subsection (c)(1),

“(vi) an organization referred to in subsection (c)(2) which normally receives a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501(a)) from a governmental unit referred to in subsection (c)(1) or from direct or indirect contributions from the general public,

“(vii) a private foundation described in subparagraph (E), or

“(viii) an organization described in section 509(a) (2) or (3), shall be allowed to the extent that the aggregate of such contributions does not exceed 50 percent of the taxpayer's contribution base for the taxable year.

Ante, p. 496.

“(B) OTHER CONTRIBUTIONS.—Any charitable contribution other than a charitable contribution to which subparagraph (A) applies shall be allowed to the extent that the aggregate of such contributions does not exceed the lesser of—

“(i) 20 percent of the taxpayer's contribution base for the taxable year, or

“(ii) the excess of 50 percent of the taxpayer's contribution base for the taxable year over the amount of charitable contributions allowable under subparagraph (A) (determined without regard to subparagraph (D)).

“(C) UNLIMITED DEDUCTION FOR CERTAIN INDIVIDUALS.—Subject to the provisions of subsections (f)(6) and (g), the limitations in subparagraphs (A), (B), and (D), and the provisions of subsection (e)(1)(B), shall not apply, in the case of an individual for a taxable year beginning before January 1, 1975, if in such taxable year and in 8 of the 10 preceding taxable years, the amount of the charitable contributions, plus the amount of income tax (determined without regard to chapter 2, relating to tax on self-employment income) paid during such year in respect of such year or preceding taxable years, exceeds the transitional deduction percentage (determined under subsection (f)(6)) of the taxpayer's taxable income for such year, computed without regard to—

68A Stat. 353;
81 Stat. 835.
26 USC 1401.

“(i) this section,

“(ii) section 151 (allowance of deductions for personal exemption), and

“(iii) any net operating loss carryback to the taxable year under section 172.

Post, pp. 675,
676.

In lieu of the amount of income tax paid during any such year, there may be substituted for that year the amount of income tax paid in respect of such year, provided that any amount so included in the year in respect of which payment was made shall not be included in any other year.

Post, p. 619.

“(D) SPECIAL LIMITATION WITH RESPECT TO CONTRIBUTIONS OF CERTAIN CAPITAL GAIN PROPERTY.—

“(i) In the case of charitable contributions of capital gain property to which subsection (e)(1)(B) does not apply, the total amount of contributions of such property which may be taken into account under subsection (a) for any taxable year shall not exceed 30 percent of the taxpayer's contribution base for such year. For purposes of this subsection, contributions of capital gain property to which this paragraph applies shall be taken into account after all other charitable contributions.

“(ii) If charitable contributions described in subparagraph (A) of capital gain property to which clause (i) applies exceeds 30 percent of the taxpayer's contribution base for any taxable year, such excess shall be treated, in a manner consistent with the rules of subsection (d)(1), as a charitable contribution of capital gain property to which clause (i) applies in each of the 5 succeeding taxable years in order of time.

“(iii) At the election of the taxpayer (made at such time and in such manner as the Secretary or his delegate prescribes by regulations), subsection (e)(1) shall apply to all contributions of capital gain property (to which subsection (e)(1)(B) does not otherwise apply) made by the taxpayer during the taxable year. If such an election is made, clauses (i) and (ii) shall not apply to contributions of capital gain property made during the taxable year, and, in applying subsection (d)(1) for such taxable year with respect to contributions of capital gain property made in any prior contribution year for which an election was not made under this clause, such contributions shall be reduced as if subsection (e)(1) had applied to such contributions in the year in which made.

“(iv) For purposes of this subparagraph, the term ‘capital gain property’ means, with respect to any contribution, any capital asset the sale of which at its fair market value at the time of the contribution would have resulted in gain which would have been long-term capital gain. For purposes of the preceding sentence, any property which is property used in the trade or business (as defined in section 1231(b)) shall be treated as a capital asset.

“(E) CERTAIN PRIVATE FOUNDATIONS.—The private foundations referred to in subparagraph (A)(vii) and subsection (e)(1)(B) are—

“(i) a private operating foundation (as defined in section 4942(j)(3)),

“(ii) any other private foundation (as defined in section 509(a)) which, not later than the 15th day of the third month after the close of the foundation’s taxable year in which contributions are received, makes qualifying distributions (as defined in section 4942(g), without regard to paragraph (3) thereof), which are treated, after the application of section 4942(g)(3), as distributions out of corpus (in accordance with section 4942(h)) in an amount equal to 100 percent of such contributions, and with respect to which the taxpayer obtains adequate records or other sufficient evidence from the foundation showing that the foundation made such qualifying distributions, and

“(iii) a private foundation all of the contributions to which are pooled in a common fund and which would be described in section 509(a)(3) but for the right of any substantial contributor (hereafter in this clause called ‘donor’) or his spouse to designate annually the recipients, from among organizations described in paragraph (1) of section 509(a), of the income attributable to the donor’s contribution to the fund and to direct (by deed or by will) the payment, to an organization described in such paragraph (1), of the corpus in the common fund attributable to the donor’s contribution; but this clause shall apply only if all of the income of the common fund is required to be (and is) distributed to one or more organizations described in such paragraph (1) not later than the 15th day of the third month after the close of the taxable year in which the income is realized by the fund and only if

68A Stat. 325.
26 USC 1231.

Ante, p. 502.

Ante, p. 496.

all of the corpus attributable to any donor's contribution to the fund is required to be (and is) distributed to one or more of such organizations not later than one year after his death or after the death of his surviving spouse if she has the right to designate the recipients of such corpus.

"(F) CONTRIBUTION BASE DEFINED.—For purposes of this section, the term 'contribution base' means adjusted gross income (computed without regard to any net operating loss carryback to the taxable year under section 172).

"(2) CORPORATIONS.—In the case of a corporation, the total deductions under subsection (a) for any taxable year shall not exceed 5 percent of the taxpayer's taxable income computed without regard to—

- “(A) this section,
- “(B) part VIII (except section 248),
- “(C) any net operating loss carryback to the taxable year under section 172,
- “(D) section 922 (special deduction for Western Hemisphere trade corporations), and
- “(E) any capital loss carryback to the taxable year under section 1212(a)(1).

68A Stat. 63;
76 Stat. 889.
26 USC 172.

26 USC 241-248.

68A Stat. 291.

Post, p. 638.

"(c) CHARITABLE CONTRIBUTION DEFINED.—For purposes of this section, the term 'charitable contribution' means a contribution or gift to or for the use of—

“(1) A State, a possession of the United States, or any political subdivision of any of the foregoing, or the United States or the District of Columbia, but only if the contribution or gift is made for exclusively public purposes.

“(2) A corporation, trust, or community chest, fund, or foundation—

- “(A) created or organized in the United States or in any possession thereof, or under the law of the United States, any State, the District of Columbia, or any possession of the United States;
- “(B) organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes or for the prevention of cruelty to children or animals;
- “(C) no part of the net earnings of which inures to the benefit of any private shareholder or individual; and
- “(D) no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

A contribution or gift by a corporation to a trust, chest, fund, or foundation shall be deductible by reason of this paragraph only if it is to be used within the United States or any of its possessions exclusively for purposes specified in subparagraph (B).

“(3) A post or organization of war veterans, or an auxiliary unit or society of, or trust or foundation for, any such post or organization—

- “(A) organized in the United States or any of its possessions, and
- “(B) no part of the net earnings of which inures to the benefit of any private shareholder or individual.

“(4) In the case of a contribution or gift by an individual, a domestic fraternal society, order, or association, operating under the lodge system, but only if such contribution or gift is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals.

“(5) A cemetery company owned and operated exclusively for the benefit of its members, or any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, if such company or corporation is not operated for profit and no part of the net earnings of such company or corporation inures to the benefit of any private shareholder or individual.

For purposes of this section, the term ‘charitable contribution’ also means an amount treated under subsection (h) as paid for the use of an organization described in paragraph (2), (3), or (4).

“(d) CARRYOVERS OF EXCESS CONTRIBUTIONS.—

“(1) INDIVIDUALS.—

“(A) **IN GENERAL.**—In the case of an individual, if the amount of charitable contributions described in subsection (b)(1)(A) payment of which is made within a taxable year (hereinafter in this paragraph referred to as the ‘contribution year’) exceeds 50 percent (30 percent, in the case of a contribution year beginning before January 1, 1970) of the taxpayer’s contribution base for such year, such excess shall be treated as a charitable contribution described in subsection (b)(1)(A) paid in each of the 5 succeeding taxable years in order of time, but, with respect to any such succeeding taxable year, only to the extent of the lesser of the two following amounts:

“(i) the amount by which 50 percent of the taxpayer’s contribution base for such succeeding taxable year exceeds the sum of the charitable contributions described in subsection (b)(1)(A) payment of which is made by the taxpayer within such succeeding taxable year (determined without regard to this subparagraph) and the charitable contributions described in subsection (b)(1)(A) payment of which was made in taxable years before the contribution year which are treated under this subparagraph as having been paid in such succeeding taxable year; or

“(ii) in the case of the first succeeding taxable year, the amount of such excess, and in the case of the second, third, fourth, or fifth succeeding taxable year, the portion of such excess not treated under this subparagraph as a charitable contribution described in subsection (b)(1)(A) paid in any taxable year intervening between the contribution year and such succeeding taxable year.

“(B) SPECIAL RULE FOR NET OPERATING LOSS CARRYOVERS.—

In applying subparagraph (A), the excess determined under subparagraph (A) for the contribution year shall be reduced to the extent that such excess reduces taxable income (as computed for purposes of the second sentence of section 172(b)(2)) and increases the net operating loss deduction for a taxable year succeeding the contribution year.

“(2) CORPORATIONS.—

“(A) **IN GENERAL.**—Any contribution made by a corporation in a taxable year (hereinafter in this paragraph referred

to as the ‘contribution year’) in excess of the amount deductible for such year under subsection (b) (2) shall be deductible for each of the 5 succeeding taxable years in order of time, but only to the extent of the lesser of the two following amounts: (i) the excess of the maximum amount deductible for such succeeding taxable year under subsection (b) (2) over the sum of the contributions made in such year plus the aggregate of the excess contributions which were made in taxable years before the contribution year and which are deductible under this subparagraph for such succeeding taxable year; or (ii) in the case of the first succeeding taxable year, the amount of such excess contribution, and in the case of the second, third, fourth, or fifth succeeding taxable year, the portion of such excess contribution not deductible under this subparagraph for any taxable year intervening between the contribution year and such succeeding taxable year.

“(B) SPECIAL RULE FOR NET OPERATING LOSS CARRYOVERS.—For purposes of subparagraph (A), the excess of—

“(i) the contributions made by a corporation in a taxable year to which this section applies, over

“(ii) the amount deductible in such year under the limitation in subsection (b) (2),

shall be reduced to the extent that such excess reduces taxable income (as computed for purposes of the second sentence of section 172(b) (2)) and increases a net operating loss carry-over under section 172 to a succeeding taxable year.

“(e) CERTAIN CONTRIBUTIONS OF ORDINARY INCOME AND CAPITAL GAIN PROPERTY.—

“(1) GENERAL RULE.—The amount of any charitable contribution of property otherwise taken into account under this section shall be reduced by the sum of—

“(A) the amount of gain which would not have been long-term capital gain if the property contributed had been sold by the taxpayer at its fair market value (determined at the time of such contribution), and

“(B) in the case of a charitable contribution—

“(i) of tangible personal property, if the use by the donee is unrelated to the purpose or function constituting the basis for its exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described in subsection (c)), or

“(ii) to or for the use of a private foundation (as defined in section 509(a)), other than a private foundation described in subsection (b)(1)(E),

50 percent ($62\frac{1}{2}$ percent, in the case of a corporation) of the amount of gain which would have been long-term capital gain if the property contributed had been sold by the taxpayer at its fair market value (determined at the time of such contribution).

For purposes of applying this paragraph (other than in the case of gain to which section 617(d)(1), 1245(a), 1250(a), 1251(c), or 1252(a) applies), property which is property used in the trade or business (as defined in section 1231(b)) shall be treated as a capital asset.

“(2) ALLOCATION OF BASIS.—For purposes of paragraph (1), in the case of a charitable contribution of less than the taxpayer’s entire interest in the property contributed, the taxpayer’s adjusted

76 Stat. 889.
26 USC 172.

Ante, p. 496.

80 Stat. 759,
Post, pp. 571,
652, 566, 572,
68A Stat. 325.

basis in such property shall be allocated between the interest contributed and any interest not contributed in accordance with regulations prescribed by the Secretary or his delegate.

"(f) DISALLOWANCE OF DEDUCTION IN CERTAIN CASES AND SPECIAL RULES.—

"(1) **IN GENERAL.**—No deduction shall be allowed under this section for a contribution to or for the use of an organization or trust described in section 508(d) or 4948(c)(4) subject to the conditions specified in such sections.

"(2) **CONTRIBUTIONS OF PROPERTY PLACED IN TRUST.—**

"(A) **REMAINDER INTEREST.**—In the case of property transferred in trust, no deduction shall be allowed under this section for the value of a contribution of a remainder interest unless the trust is a charitable remainder annuity trust or a charitable remainder unitrust (described in section 664), or a pooled income fund (described in section 642(c)(5)).

"(B) **INCOME INTERESTS, ETC.**—No deduction shall be allowed under this section for the value of any interest in property (other than a remainder interest) transferred in trust unless the interest is in the form of a guaranteed annuity or the trust instrument specifies that the interest is a fixed percentage distributed yearly of the fair market value of the trust property (to be determined yearly) and the grantor is treated as the owner of such interest for purposes of applying section 671. If the donor ceases to be treated as the owner of such an interest for purposes of applying section 671, at the time the donor ceases to be so treated, the donor shall for purposes of this chapter be considered as having received an amount of income equal to the amount of any deduction he received under this section for the contribution reduced by the discounted value of all amounts of income earned by the trust and taxable to him before the time at which he ceases to be treated as the owner of the interest. Such amounts of income shall be discounted to the date of the contribution. The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this subparagraph.

"(C) **DENIAL OF DEDUCTION IN CASE OF PAYMENTS BY CERTAIN TRUSTS.**—In any case in which a deduction is allowed under this section for the value of an interest in property described in subparagraph (B), transferred in trust, no deduction shall be allowed under this section to the grantor or any other person for the amount of any contribution made by the trust with respect to such interest.

"(D) **EXCEPTION.**—This paragraph shall not apply in a case in which the value of all interests in property transferred in trust are deductible under subsection (a).

"(3) DENIAL OF DEDUCTION IN CASE OF CERTAIN CONTRIBUTIONS OF PARTIAL INTERESTS IN PROPERTY.—

"(A) **IN GENERAL.**—In the case of a contribution (not made by a transfer in trust) of an interest in property which consists of less than the taxpayer's entire interest in such property, a deduction shall be allowed under this section only to the extent that the value of the interest contributed would be allowable as a deduction under this section if such interest had been transferred in trust. For purposes of this subparagraph, a contribution by a taxpayer of the right to use property shall be treated as a contribution of less than the taxpayer's entire interest in such property.

Ante, pp. 494,
518.

Post, p. 562.
Post, p. 558.

68A Stat. 226.
26 USC 671.

“(B) EXCEPTIONS.—Subparagraph (A) shall not apply to a contribution of—

“(i) a remainder interest in a personal residence or farm, or

“(ii) an undivided portion of the taxpayer's entire interest in property.

“(4) VALUATION OF REMAINDER INTEREST IN REAL PROPERTY.—For purposes of this section, in determining the value of a remainder interest in real property, depreciation (computed on the straight line method) and depletion of such property shall be taken into account, and such value shall be discounted at a rate of 6 percent per annum, except that the Secretary or his delegate may prescribe a different rate.

“(5) REDUCTION FOR CERTAIN INTEREST.—If, in connection with any charitable contribution, a liability is assumed by the recipient or by any other person, or if a charitable contribution is of property which is subject to a liability, then, to the extent necessary to avoid the duplication of amounts, the amount taken into account for purposes of this section as the amount of the charitable contribution—

“(A) shall be reduced for interest (i) which has been paid (or is to be paid) by the taxpayer, (ii) which is attributable to the liability, and (iii) which is attributable to any period after the making of the contribution, and

“(B) in the case of a bond, shall be further reduced for interest (i) which has been paid (or is to be paid) by the taxpayer on indebtedness incurred or continued to purchase or carry such bond, and (ii) which is attributable to any period before the making of the contribution.

The reduction pursuant to subparagraph (B) shall not exceed the interest (including interest equivalent) on the bond which is attributable to any period before the making of the contribution and which is not (under the taxpayer's method of accounting) includable in the gross income of the taxpayer for any taxable year. For purposes of this paragraph, the term ‘bond’ means any bond, debenture, note, or certificate or other evidence of indebtedness.

“(6) PARTIAL REDUCTION OF UNLIMITED DEDUCTION.—

“(A) IN GENERAL.—If the limitations in subsections (b) (1) (A) and (B) do not apply because of the application of subsection (b) (1) (C), the amount otherwise allowable as a deduction under subsection (a) shall be reduced by the amount by which the taxpayer's taxable income computed without regard to this subparagraph is less than the transitional income percentage (determined under subparagraph (C)) of the taxpayer's adjusted gross income. However, in no case shall a taxpayer's deduction under this section be reduced below the amount allowable as a deduction under this section without the applicability of subsection (b) (1) (C).

“(B) TRANSITIONAL DEDUCTION PERCENTAGE.—For purposes of applying subsection (b) (1) (C), the term ‘transitional deduction percentage’ means—

“(i) in the case of a taxable year beginning before 1970, 90 percent, and

“(ii) in the case of a taxable year beginning in—

1970-----	80 percent
1971-----	74 percent
1972-----	68 percent
1973-----	62 percent
1974-----	56 percent.

“(C) TRANSITIONAL INCOME PERCENTAGE.—For purposes of applying subparagraph (A), the term ‘transitional income percentage’ means, in the case of a taxable year beginning in—

1970-----	20 percent
1971-----	26 percent
1972-----	32 percent
1973-----	38 percent
1974-----	44 percent.”

(2) CONFORMING AMENDMENTS.—

(A) Section 170(g) (relating to application of unlimited charitable deduction) is amended by striking out “subsection (b)(5)” each place it appears and inserting in lieu thereof “subsection (d)(1)”, and by striking subparagraph (B) of paragraph (2).

(B) Section 545(b)(2) (relating to adjustments to personal holding company taxable income) and section 556(b)(2) (relating to adjustments to foreign personal holding company taxable income) are each amended—

(i) by striking out “section 170(b)(1) (A) and (B)” in the first sentence and inserting in lieu thereof “section 170(b)(1) (A), (B), and (D)”;

(ii) by striking out “section 170(b)(2) and (5)” in the first sentence and inserting in lieu thereof “section 170(b)(2) and (d)(1)”;

(iii) by striking out “‘adjusted gross income’” in the second sentence and inserting in lieu thereof “‘contribution base’”; and

(iv) by striking out “the first sentence of section 170(b)(2) and (5)” in the second sentence and inserting in lieu thereof “section 170(b)(2) and (d)(1)”.

(C) Section 809(e)(3) (relating to modifications of deductions for life insurance companies) is amended—

(i) by striking out “the first sentence of” in subparagraph (A); and

(ii) by striking out “section 170(b)(3)” in subparagraph (B) and inserting in lieu thereof “section 170(d)(2)(B)”.

(b) CHARITABLE CONTRIBUTIONS BY ESTATES AND TRUSTS.—Sub-section (c) of section 642 (relating to deduction for amounts paid or permanently set aside for a charitable purpose) is amended to read as follows:

“(c) DEDUCTION FOR AMOUNTS PAID OR PERMANENTLY SET ASIDE FOR A CHARITABLE PURPOSE.—

“(1) GENERAL RULE.—In the case of an estate or trust (other than a trust meeting the specifications of subpart B), there shall be allowed as a deduction in computing its taxable income (in lieu of the deduction allowed by section 170(a), relating to deduction for charitable, etc., contributions and gifts) any amount of the gross income, without limitation, which pursuant to the terms of the governing instrument is, during the taxable year, paid for a purpose specified in section 170(c) (determined without regard to section 170(c)(2)(A)). If a charitable contribution is paid after the close of such taxable year and on or before the last day of the year following the close of such taxable year, then the trustee or administrator may elect to treat such contribution as paid during such taxable year. The election shall be made at such time and in such manner as the Secretary or his delegate prescribes by regulations.

78 Stat. 43.
26 USC 170.

72 Stat. 1631.

68A Stat. 197.

73 Stat. 121.

68A Stat. 216.

Ante, p. 549.

“(2) AMOUNTS PERMANENTLY SET ASIDE.—In the case of an estate, and in the case of a trust (other than a trust meeting the specifications of subpart B) required by the terms of its governing instrument to set aside amounts which was—

“(A) created on or before October 9, 1969, if—

“(i) an irrevocable remainder interest is transferred to or for the use of an organization described in section 170(c), or

“(ii) the grantor is at all times after October 9, 1969, under a mental disability to change the terms of the trust; or

“(B) established by a will executed on or before October 9, 1969, if—

“(i) the testator dies before October 9, 1972, without having republished the will after October 9, 1969, by codicil or otherwise,

“(ii) the testator at no time after October 9, 1969, had the right to change the portions of the will which pertain to the trust, or

“(iii) the will is not republished by codicil or otherwise before October 9, 1972, and the testator is on such date and at all times thereafter under a mental disability to republish the will by codicil or otherwise,

there shall also be allowed as a deduction in computing its taxable income any amount of the gross income, without limitation, which pursuant to the terms of the governing instrument is, during the taxable year, permanently set aside for a purpose specified in section 170(c), or is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or for the establishment, acquisition, maintenance, or operation of a public cemetery not operated for profit. In the case of a trust, the preceding sentence shall apply only to gross income earned with respect to amounts transferred to the trust before October 9, 1969, or transferred under a will to which subparagraph (B) applies.

“(3) POOLED INCOME FUNDS.—In the case of a pooled income fund (as defined in paragraph (5)), there shall also be allowed as a deduction in computing its taxable income any amount of the gross income attributable to gain from the sale of a capital asset held for more than 6 months, without limitation, which pursuant to the terms of the governing instrument is, during the taxable year, permanently set aside for a purpose specified in section 170(c).

“(4) ADJUSTMENTS.—To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain from the sale or exchange of capital assets held for more than 6 months, proper adjustment shall be made for any deduction allowable to the estate or trust under section 1202 (relating to deduction for excess of capital gains over capital losses). In the case of a trust, the deduction allowed by this subsection shall be subject to section 681 (relating to unrelated business income).

“(5) DEFINITION OF POOLED INCOME FUND.—For purposes of paragraph (3), a pooled income fund is a trust—

“(A) to which each donor transfers property, contributing an irrevocable remainder interest in such property to or for the use of an organization described in section 170(b)(1)(A) (other than in clauses (vii) or (viii)), and retaining an income interest for the life of one or more beneficiaries (living at the time of such transfer),

Ante, p. 553.

68A Stat. 320.
26 USC 1202.

Ante, pp. 547,
528.

“(B) in which the property transferred by each donor is commingled with property transferred by other donors who have made or make similar transfers,

“(C) which cannot have investments in securities which are exempt from the taxes imposed by this subtitle,

“(D) which includes only amounts received from transfers which meet the requirements of this paragraph,

“(E) which is maintained by the organization to which the remainder interest is contributed and of which no donor or beneficiary of an income interest is a trustee, and

“(F) from which each beneficiary of an income interest receives income, for each year for which he is entitled to receive the income interest referred to in subparagraph (A), determined by the rate of return earned by the trust for such year.

For purposes of determining the amount of any charitable contribution allowable by reason of a transfer of property to a pooled fund, the value of the income interest shall be determined on the basis of the highest rate of return earned by the fund for any of the 3 taxable years immediately preceding the taxable year of the fund in which the transfer is made. In the case of funds in existence less than 3 taxable years preceding the taxable year of the fund in which a transfer is made, the rate of return shall be deemed to be 6 percent per annum, except that the Secretary or his delegate may prescribe a different rate of return.

“(6) TAXABLE PRIVATE FOUNDATIONS.—In the case of a private foundation which is not exempt from taxation under section 501(a) for the taxable year, the provisions of this subsection shall not apply and the provisions of section 170 shall apply.”

(c) TWO-YEAR CHARITABLE TRUSTS.—Section 673(b) (relating to trusts where the income is payable to a charitable beneficiary for at least a two-year period) is repealed.

(d) DISALLOWANCE OF ESTATE AND GIFT TAX DEDUCTIONS IN CERTAIN CASES.—

(1) ESTATES OF CITIZENS OR RESIDENTS.—Subsection (e) of section 2055 (relating to disallowance of charitable deductions in certain cases) is amended to read as follows:

“(e) DISALLOWANCE OF DEDUCTIONS IN CERTAIN CASES.—

“(1) No deduction shall be allowed under this section for a transfer to or for the use of an organization or trust described in section 508(d) or 4948(c)(4) subject to the conditions specified in such sections.

“(2) Where an interest in property (other than a remainder interest in a personal residence or farm or an undivided portion of the decedent's entire interest in property) passes or has passed from the decedent to a person, or for a use, described in subsection (a), and an interest (other than an interest which is extinguished upon the decedent's death) in the same property passes or has passed (for less than an adequate and full consideration in money or money's worth) from the decedent to a person, or for a use, not described in subsection (a), no deduction shall be allowed under this section for the interest which passes or has passed to the person, or for the use, described in subsection (a) unless—

“(A) in the case of a remainder interest, such interest is in a trust which is a charitable remainder annuity trust or a charitable remainder unitrust (described in section 664) or a pooled income fund (described in section 642(c)(5)), or

Ante, p. 549.
Repeal.
68A Stat. 227.

68A Stat. 391.
26 USC 2055.

Ante, pp. 494,
518.

Post, p. 562.
Ante, p. 558.

“(B) in the case of any other interest, such interest is in the form of a guaranteed annuity or is a fixed percentage distributed yearly of the fair market value of the property (to be determined yearly).”

(2) **ESTATES OF NONRESIDENTS NOT CITIZENS.**—Subparagraph (E) of section 2106(a)(2) (relating to disallowance of deductions in certain cases) is amended to read as follows:

“(E) DISALLOWANCE OF DEDUCTIONS IN CERTAIN CASES.—

The provisions of section 2055(e) shall be applied in the determination of the amount allowable as a deduction under this paragraph.”

(3) **GIFT TAX.**—Subsection (c) of section 2522 (relating to disallowance of charitable deductions in certain cases) is amended to read as follows:

“(c) DISALLOWANCE OF DEDUCTIONS IN CERTAIN CASES.—

“(1) No deduction shall be allowed under this section for a gift to or for the use of an organization or trust described in section 508(d) or 4948(c)(4) subject to the conditions specified in such sections.

68A Stat. 398.
26 USC 2106.

Ante, p. 560.

“(2) Where a donor transfers an interest in property (other than a remainder interest in a personal residence or farm or an undivided portion of the donor's entire interest in property) to a person, or for a use, described in subsection (a) or (b) and an interest in the same property is retained by the donor, or is transferred or has been transferred (for less than an adequate and full consideration in money or money's worth) from the donor to a person, or for a use, not described in subsection (a) or (b), no deduction shall be allowed under this section for the interest which is, or has been transferred to the person, or for the use, described in subsection (a) or (b), unless—

Ante, pp. 494,
518.

“(A) in the case of a remainder interest, such interest is in a trust which is a charitable remainder annuity trust or a charitable remainder unitrust (described in section 664) or a pooled income fund (described in section 642(c)(5)), or

Post, p. 562.
Ante, p. 558.

“(B) in the case of any other interest, such interest is in the form of a guaranteed annuity or is a fixed percentage distributed yearly of the fair market value of the property (to be determined yearly).”

(4) **POLITICAL ACTIVITIES.**—

(A) Section 2055(a) (relating to transfers for public, charitable, and religious uses) is amended—

68A Stat. 390.

(i) by striking out “and” before “no substantial part” in paragraph (2), and by inserting before the semicolon at the end of such paragraph “, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office”; and

(ii) by striking out “and” before “no substantial part” in paragraph (3), and by inserting before the semicolon at the end of such paragraph “, and such trustee or trustees, or such fraternal society, order, or association, does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office”.

(B) Section 2106(a)(2) (relating to transfers for public, charitable, and religious uses) is amended—

(i) by striking out “and” before “no substantial part” in subparagraph (A)(ii), and by inserting before the semicolon at the end of such subparagraph “, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office”; and

(ii) by striking out “and” before “no substantial part” in subparagraph (A)(iii), and by inserting before the semicolon at the end of such subparagraph “, and such trustee or trustees, or such fraternal society, order, or association, does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office”.

(C) Section 2522(a) (relating to charitable and similar gifts of citizens or residents) is amended by striking out “and” before “no substantial part” in paragraph (2), and by inserting before the semicolon at the end of such paragraph “, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office”.

(D) Section 2522(b) (relating to charitable and similar gifts of nonresidents) is amended—

(i) by striking out “and” before “no substantial part” in paragraph (2), and by inserting before the semicolon at the end of such paragraph “, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office”; and

(ii) by inserting after “legislation” in paragraph (3) “, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office”.

(e) CHARITABLE REMAINDER TRUSTS.—

(1) Subpart C of part I of subchapter J of chapter 1 (relating to estates and trusts which may accumulate income or which distribute corpus) is amended by adding at the end thereof the following new section:

“SEC. 664. CHARITABLE REMAINDER TRUSTS.

“(a) GENERAL RULE.—Notwithstanding any other provision of this subchapter, the provisions of this section shall, in accordance with regulations prescribed by the Secretary or his delegate, apply in the case of a charitable remainder annuity trust and a charitable remainder unitrust.

“(b) CHARACTER OF DISTRIBUTIONS.—Amounts distributed by a charitable remainder annuity trust or by a charitable remainder unitrust shall be considered as having the following characteristics in the hands of a beneficiary to whom is paid the annuity described in subsection (d)(1)(A) or the payment described in subsection (d)(2)(A):

“(1) First, as amounts of income (other than gains, and amounts treated as gains, from the sale or other disposition of capital assets) includable in gross income to the extent of such income of the trust for the year and such undistributed income of the trust for prior years;

“(2) Second, as a capital gain to the extent of the capital gain of the trust for the year and the undistributed capital gain of the trust for prior years;

“(3) Third, as other income to the extent of such income of the trust for the year and such undistributed income of the trust for prior years; and

“(4) Fourth, as a distribution of trust corpus.

For purposes of this section, the trust shall determine the amount of its undistributed capital gain on a cumulative net basis.

“(c) EXEMPTION FROM INCOME TAXES.—A charitable remainder annuity trust and a charitable remainder unitrust shall, for any taxable year, not be subject to any tax imposed by this subtitle, unless such trust, for such year, has unrelated business taxable income (within the meaning of section 512, determined as if part III of subchapter F applied to such trust).

*Ante, pp. 537,
538, 492.*

“(d) DEFINITIONS.—

“(1) CHARITABLE REMAINDER ANNUITY TRUST.—For purposes of this section, a charitable remainder annuity trust is a trust—

“(A) from which a sum certain (which is not less than 5 percent of the initial net fair market value of all property placed in trust) is to be paid, not less often than annually, to one or more persons (at least one of which is not an organization described in section 170(c) and, in the case of individuals, only to an individual who is living at the time of the creation of the trust) for a term of years (not in excess of 20 years) or for the life or lives of such individual or individuals,

“(B) from which no amount other than the payments described in subparagraph (A) may be paid to or for the use of any person other than an organization described in section 170(c), and

“(C) following the termination of the payments described in subparagraph (A), the remainder interest in the trust is to be transferred to, or for the use of, an organization described in section 170(c) or is to be retained by the trust for such a use.

“(2) CHARITABLE REMAINDER UNITRUST.—For purposes of this section, a charitable remainder unitrust is a trust—

“(A) from which a fixed percentage (which is not less than 5 percent) of the net fair market value of its assets, valued annually, is to be paid, not less often than annually, to one or more persons (at least one of which is not an organization described in section 170(c) and, in the case of individuals, only to an individual who is living at the time of the creation of the trust) for a term of years (not in excess of 20 years) or for the life or lives of such individual or individuals,

“(B) from which no amount other than the payments described in subparagraph (A) may be paid to or for the use of any person other than an organization described in section 170(c), and

“(C) following the termination of the payments described in subparagraph (A), the remainder interest in the trust is to be transferred to, or for the use of, an organization described in section 170(c) or is to be retained by the trust for such a use.

“(3) EXCEPTION.—Notwithstanding the provisions of paragraphs (2)(A) and (B), the trust instrument may provide that the trustee shall pay the income beneficiary for any year—

“(A) the amount of the trust income, if such amount is less than the amount required to be distributed under paragraph (2)(A), and

Ante, p. 553.

“(B) any amount of the trust income which is in excess of the amount required to be distributed under paragraph (2) (A), to the extent that (by reason of subparagraph (A)) the aggregate of the amounts paid in prior years was less than the aggregate of such required amounts.

“(e) **VALUATION FOR PURPOSES OF CHARITABLE CONTRIBUTION.**—For purposes of determining the amount of any charitable contribution, the remainder interest of a charitable remainder annuity trust or charitable remainder unitrust shall be computed on the basis that an amount equal to 5 percent of the net fair market value of its assets (or a greater amount, if required under the terms of the trust instrument) is to be distributed each year.”

(2) The table of sections for subpart C of part I of subchapter J of chapter 1 (relating to estates and trusts which may accumulate income or which distribute corpus) is amended by adding at the end thereof:

“Sec. 664. Charitable remainder trusts.”

68A Stat. 296.

(f) **BARGAIN SALES TO CHARITABLE ORGANIZATIONS.**—Section 1011 (relating to adjusted basis for determining gain or loss) is amended—

(1) by striking out “The” at the beginning and inserting in lieu thereof:

“(a) **GENERAL RULE.**—The”, and

(2) by adding at the end thereof the following new subsection:

“(b) **BARGAIN SALE TO A CHARITABLE ORGANIZATION.**—If a deduction is allowable under section 170 (relating to charitable contributions) by reason of a sale, then the adjusted basis for determining the gain from such sale shall be that portion of the adjusted basis which bears the same ratio to the adjusted basis as the amount realized bears to the fair market value of the property.”

(g) **EFFECTIVE DATES.**—

(1) (A) Except as provided in subparagraphs (B) and (C), the amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1969.

(B) Subsections (e) and (f)(1) of section 170 of the Internal Revenue Code of 1954 (as amended by subsection (a)) shall apply to contributions paid after December 31, 1969, except that, with respect to a letter or memorandum or similar property described in section 1221(3) of such Code (as amended by section 514 of this Act), such subsection (e) shall apply to contributions paid after July 25, 1969.

(C) Paragraphs (2), (3), and (4) of section 170(f) of such Code (as amended by subsection (a)) shall apply to transfers in trust and contributions made after July 31, 1969.

(D) For purposes of applying section 170(d) of such Code (as amended by subsection (a)) with respect to contributions paid in a taxable year beginning before January 1, 1970, subsection (b)(1)(D), subsection (e), and paragraphs (1), (2), (3), and (4) of subsection (f) of section 170 of such Code shall not apply.

(2) The amendments made by subsection (b) shall apply with respect to amounts paid, permanently set aside, or to be used for a charitable purpose in taxable years beginning after December 31, 1969, except that section 642(c)(5) of the Internal Revenue Code of 1954 (as added by subsection (b)) shall apply to transfers in trust made after July 31, 1969.

(3) The amendment made by subsection (c) shall apply to transfers in trust made after April 22, 1969.

Ante, p. 549.

Post, p. 643.

Ante, p. 558.

(4) (A) Except as provided in subparagraphs (B) and (C), the amendments made by paragraphs (1) and (2) of subsection (d) shall apply in the case of decedents dying after December 31, 1969.

(B) Such amendments shall not apply in the case of property passing under the terms of a will executed on or before October 9, 1969—

(i) if the decedent dies before October 9, 1972, without having republished the will after October 9, 1969, by codicil or otherwise,

(ii) if the decedent at no time after October 9, 1969, had the right to change the portions of the will which pertain to the passing of the property to, or for the use of, an organization described in section 2055(a), or

(iii) if the will is not republished by codicil or otherwise before October 9, 1972, and the decedent is on such date and at all times thereafter under a mental disability to republish the will by codicil or otherwise.

(C) Such amendments shall not apply in the case of property transferred in trust on or before October 9, 1969—

(i) if the decedent dies before October 9, 1972, without having amended after October 9, 1969, the instrument governing the disposition of the property,

(ii) if the property transferred was an irrevocable interest to, or for the use of, an organization described in section 2055(a), or

(iii) if the instrument governing the disposition of the property was not amended by the decedent before October 9, 1972, and the decedent is on such date and at all times thereafter under a mental disability to change the disposition of the property.

(D) The amendment made by paragraph (3) of subsection (d) shall apply to gifts made after December 31, 1969, except that the amendments made to section 2522(c)(2) of the Internal Revenue Code of 1954 shall apply to gifts made after July 31, 1969.

(E) The amendments made by paragraph (4) of subsection (d) shall apply to gifts and transfers made after December 31, 1969.

(5) The amendment made by subsection (e) shall apply to transfers in trust made after July 31, 1969.

(6) The amendments made by subsection (f) shall apply with respect to sales made after December 19, 1969.

(h) ELIGIBILITY FOR UNLIMITED CHARITABLE DEDUCTION.—

(1) Section 170(b)(1)(C) (relating to unlimited charitable deduction for certain individuals), as amended by subsection (a) of this section, is amended by adding at the end thereof the following new sentence: "In the case of a separate return for the taxable year by a married individual who previously filed a joint return with a former deceased spouse for any of the 10 preceding taxable years, the amount of charitable contributions and taxes paid for any such preceding taxable year, for which a joint return was filed with the former deceased spouse, shall be determined in the same manner as if the taxpayer had not remarried after the death of such former spouse."

(2) The amendment made by this subsection shall apply to taxable years beginning after December 31, 1968.

Ante, p. 561.

Ante, p. 561.

Ante, p. 549.

Subtitle B—Farm Losses, Etc.

SEC. 211. GAIN FROM DISPOSITION OF PROPERTY USED IN FARMING WHERE FARM LOSSES OFFSET NONFARM INCOME.

68A Stat. 325.
26 USC 1231.

(a) **IN GENERAL.**—Part IV of subchapter P of chapter 1 (relating to special rules for determining capital gains and losses) is amended by adding at the end thereof the following new section:

“SEC. 1251. GAIN FROM DISPOSITION OF PROPERTY USED IN FARMING WHERE FARM LOSSES OFFSET NONFARM INCOME.

“(a) **CIRCUMSTANCES UNDER WHICH SECTION APPLIES.**—This section shall apply with respect to any taxable year only if—

“(1) there is a farm net loss for the taxable year, or

“(2) there is a balance in the excess deductions account as of the close of the taxable year after applying subsection (b) (3) (A).

“(b) **EXCESS DEDUCTIONS ACCOUNT.**—

“(1) **REQUIREMENT.**—Each taxpayer subject to this section shall, for purposes of this section, establish and maintain an excess deductions account.

“(2) **ADDITIONS TO ACCOUNT.**—

“(A) **GENERAL RULE.**—There shall be added to the excess deductions account for each taxable year an amount equal to the farm net loss.

“(B) **EXCEPTIONS.**—In the case of an individual (other than a trust) and, except as provided in this subparagraph, in the case of an electing small business corporation (as defined in section 1371(b)), subparagraph (A) shall apply for a taxable year—

“(i) only if the taxpayer’s nonfarm adjusted gross income for such year exceeds \$50,000, and

“(ii) only to the extent the taxpayer’s farm net loss for such year exceeds \$25,000.

This subparagraph shall not apply to an electing small business corporation for a taxable year if on any day of such year a shareholder of such corporation is an individual who, for his taxable year with which or within which the taxable year of the corporation ends, has a farm net loss.

“(C) **MARRIED INDIVIDUALS.**—In the case of a husband or wife who files a separate return, the amount specified in subparagraph (B) (i) shall be \$25,000 in lieu of \$50,000, and in subparagraph (B) (ii) shall be \$12,500 in lieu of \$25,000. This subparagraph shall not apply if the spouse of the taxpayer does not have any nonfarm adjusted gross income for the taxable year.

“(D) **NONFARM ADJUSTED GROSS INCOME.**—For purposes of this section, the term ‘nonfarm adjusted gross income’ means adjusted gross income (taxable income, in the case of an electing small business corporation) computed without regard to income or deductions attributable to the business of farming.

“(3) **SUBTRACTIONS FROM ACCOUNT.**—If there is any amount in the excess deductions account at the close of any taxable year (determined before any amount is subtracted under this paragraph for such year) there shall be subtracted from the account—

“(A) an amount equal to the farm net income for such year, plus the amount (determined as provided in regulations prescribed by the Secretary or his delegate) necessary to adjust the account for deductions which did not result in a reduction of the taxpayer’s tax under this subtitle for the taxable year or any preceding taxable year, and

72 Stat. 1650.
26 USC 1371.

“(B) after applying paragraph (2) or subparagraph (A) of this paragraph (as the case may be), an amount equal to the sum of the amounts treated, solely by reason of the application of subsection (c), as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231.

“(4) EXCEPTION FOR TAXPAYERS USING CERTAIN ACCOUNTING METHODS.—

“(A) GENERAL RULE.—Except to the extent that the taxpayer has succeeded to an excess deductions account as provided in paragraph (5), additions to the excess deductions account shall not be required by a taxpayer who elects to compute taxable income from farming (i) by using inventories, and (ii) by charging to capital account all expenditures paid or incurred which are properly chargeable to capital account (including such expenditures which the taxpayer may, under this chapter or regulations prescribed thereunder, otherwise treat or elect to treat as expenditures which are not chargeable to capital account).

“(B) TIME, MANNER, AND EFFECT OF ELECTION.—An election under subparagraph (A) for any taxable year shall be filed within the time prescribed by law (including extensions thereof) for filing the return for such taxable year, and shall be made and filed in such manner as the Secretary or his delegate shall prescribe by regulations. Such election shall be binding on the taxpayer for such taxable year and for all subsequent taxable years and may not be revoked except with the consent of the Secretary or his delegate.

“(C) CHANGE OF METHOD OF ACCOUNTING, ETC.—If, in order to comply with the election made under subparagraph (A), a taxpayer changes his method of accounting in computing taxable income from the business of farming, such change shall be treated as having been made with the consent of the Secretary or his delegate and for purposes of section 481(a)(2) shall be treated as a change not initiated by the taxpayer.

72 Stat. 1626.

“(5) TRANSFER OF ACCOUNT.—

“(A) CERTAIN CORPORATE TRANSACTIONS.—In the case of a transfer described in subsection (d)(3) to which section 371(a), 374(a), or 381 applies, the acquiring corporation shall succeed to and take into account as of the close of the day of distribution or transfer, the excess deductions account of the transferor.

“(B) CERTAIN GIFTS.—If—

“(i) farm recapture property is disposed of by gift, and

“(ii) the potential gain (as defined in subsection (e)(5)) on farm recapture property disposed of by gift during any one-year period in which any such gift occurs is more than 25 percent of the potential gain on farm recapture property held by the donor immediately prior to the first of such gifts,

each donee of the property shall succeed (at the time the first of such gifts is made, but in an amount determined as of the close of the donor's taxable year in which the first of such gifts is made) to the same proportion of the donor's excess deductions account (determined, after the application of paragraphs (2) and (3)

68A Stat. 121,
124; '70 Stat. 402.

with respect to the donor, as of the close of such taxable year), as the potential gain on the property received by such donee bears to the aggregate potential gain on farm recapture property held by the donor immediately prior to the first of such gifts.

“(6) JOINT RETURN.—In the case of an addition to an excess deductions account for a taxable year for which a joint return was filed under section 6013, for any subsequent taxable year for which a separate return was filed the Secretary or his delegate shall provide rules for allocating any remaining amount of such addition in a manner consistent with the purposes of this section.

“(c) ORDINARY INCOME.—

“(1) GENERAL RULE.—Except as otherwise provided in this section, if farm recapture property (as defined in subsection (e)(1)) is disposed of during a taxable year beginning after December 31, 1969, the amount by which—

“(A) in the case of a sale, exchange, or involuntary conversion, the amount realized, or

“(B) in the case of any other disposition, the fair market value of such property, exceeds the adjusted basis of such property shall be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231. Such gain shall be recognized notwithstanding any other provision of this subtitle.

“(2) LIMITATION.—

“(A) AMOUNT IN EXCESS DEDUCTIONS ACCOUNT.—The aggregate of the amounts treated under paragraph (1) as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231 for any taxable year shall not exceed the amount in the excess deductions account at the close of the taxable year after applying subsection (b)(3)(A).

“(B) DISPOSITIONS TAKEN INTO ACCOUNT.—If the aggregate of the amounts to which paragraph (1) applies is limited by the application of subparagraph (A), paragraph (1) shall apply in respect of such dispositions (and in such amounts) as provided under regulations prescribed by the Secretary or his delegate.

“(C) SPECIAL RULE FOR DISPOSITIONS OF LAND.—In applying subparagraph (A), any gain on the sale or exchange of land shall be taken into account only to the extent of its potential gain (as defined in subsection (e)(5)).

“(d) EXCEPTIONS AND SPECIAL RULES.—

“(1) GIFTS.—Subsection (c) shall not apply to a disposition by gift.

“(2) TRANSFER AT DEATH.—Except as provided in section 691 (relating to income in respect of a decedent), subsection (c) shall not apply to a transfer at death.

“(3) CERTAIN CORPORATE TRANSACTIONS.—If the basis of property in the hands of a transferee is determined by reference to its basis in the hands of the transferor by reason of the application of sections 332, 351, 361, 371(a), or 374(a), then the amount of gain taken into account by the transferor under subsection (c)(1) shall not exceed the amount of gain recognized to the transferor on the transfer of such property (determined without regard to this section). This paragraph shall not apply to a disposition to an organization (other than a cooperative described in section 521) which is exempt from the tax imposed by this chapter.

"(4) LIKE KIND EXCHANGES; INVOLUNTARY CONVERSION, ETC.— If property is disposed of and gain (determined without regard to this section) is not recognized in whole or in part under section 1031 or 1033, then the amount of gain taken into account by the transferor under subsection (c)(1) shall not exceed the sum of—

68A Stat. 302.
26 USC 1031,
1033.

“(A) the amount of gain recognized on such disposition (determined without regard to this section), plus

“(B) the fair market value of property acquired with respect to which no gain is recognized under subparagraph (A), but which is not farm recapture property.

“(5) PARTNERSHIPS.—

“(A) IN GENERAL.—In the case of a partnership, each partner shall take into account separately his distributive share of the partnership's farm net losses, gains from dispositions of farm recapture property, and other items in applying this section to the partner.

26 USC 721.

“(B) TRANSFERS TO PARTNERSHIPS.—If farm recapture property is contributed to a partnership and gain (determined without regard to this section) is not recognized under section 721, then the amount of gain taken into account by the transferor under subsection (c)(1) shall not exceed the excess of the fair market value of farm recapture property transferred over the fair market value of the partnership interest attributable to such property. If the partnership agreement provides for an allocation of gain to the contributing partner with respect to farm recapture property contributed to the partnership (as provided in section 704(e)(2)), the partnership interest of the contributing partner shall be deemed to be attributable to such property.

26 USC 704.

“(6) PROPERTY TRANSFERRED TO CONTROLLED CORPORATIONS.— Except for transactions described in subsection (b)(5)(A), in the case of a transfer, described in paragraph (3), of farm recapture property to a corporation, stock or securities received by a transferor in the exchange shall be farm recapture property to the extent attributable to the fair market value of farm recapture property (or, in the case of land, if less, the adjusted basis plus the potential gain (as defined in subsection (e)(5)) on farm recapture property) contributed to the corporation by such transferor.

“(e) DEFINITIONS.—For purposes of this section—

“(1) FARM RECAPTURE PROPERTY.—The term ‘farm recapture property’ means—

“(A) any property (other than section 1250 property) described in paragraph (1) (relating to business property held for more than 6 months), (3) (relating to livestock), or (4) (relating to an unharvested crop) of section 1231(b) which is or has been used in the trade or business of farming by the taxpayer or by a transferor in a transaction described in subsection (b)(5), and

“(B) any property the basis of which in the hands of the taxpayer is determined with reference to the adjusted basis of property which was farm recapture property in the hands of the taxpayer within the meaning of subparagraph (A).

“(2) FARM NET LOSS.—The term ‘farm net loss’ means the amount by which—

“(A) the deductions allowed or allowable by this chapter which are directly connected with the carrying on of the trade or business of farming, exceed

Post, p. 646.
Post, p. 571.

68A Stat. 67.
26 USC 175.
76 Stat. 1063.

“(B) the gross income derived from such trade or business. Gains and losses on the disposition of farm recapture property referred to in section 1231(a) (determined without regard to this section or section 1245(a)) shall not be taken into account.

“(3) FARM NET INCOME.—The term ‘farm net income’ means the amount by which the amount referred to in paragraph (2)(B) exceeds the amount referred to in paragraph (2)(A).

“(4) TRADE OR BUSINESS OF FARMING.—

“(A) HORSE RACING.—In the case of a taxpayer engaged in the raising of horses, the term ‘trade or business of farming’ includes the racing of horses.

“(B) SEVERAL BUSINESSES OF FARMING.—If a taxpayer is engaged in more than one trade or business of farming, all such trades and businesses shall be treated as one trade or business.

“(5) POTENTIAL GAIN.—The term ‘potential gain’ means an amount equal to the excess of the fair market value of property over its adjusted basis, but limited in the case of land to the extent of the deductions allowable in respect to such land under sections 175 (relating to soil and water conservation expenditures) and 182 (relating to expenditures by farmers for clearing land) for the taxable year and the 4 preceding taxable years.”

(b) CONFORMING AMENDMENTS.—

(1) Section 301(b)(1)(B)(ii) (relating to corporate distributions of property) is amended by striking out “or 1250(a)” and inserting in lieu thereof “1250(a), 1251(c), or 1252(a)”.

(2) Section 301(d)(2)(B) (relating to the basis of property distributed by a corporation) is amended by striking out “or 1250(a)” and inserting in lieu thereof “1250(a), 1251(c), or 1252(a)”.

(3) Section 312(c)(3) (relating to adjustment to corporate earnings and profits) is amended by striking out “or 1250(a)” and inserting in lieu thereof “1250(a), 1251(c), or 1252(a)”.

(4) Section 341(e)(12) (relating to nonapplication of section 1245(a) with respect to collapsible corporations) is amended by striking out “and 1250(a)” and inserting in lieu thereof “1250(a), 1251(c), and 1252(a)”.

(5) Section 453(d)(4)(B) (relating to distribution of installment obligations under certain liquidations) is amended by striking out “or 1250(a)” and inserting in lieu thereof “1250(a), 1251(c), or 1252(a)”.

(6) Section 751(c) (relating to unrealized receivables in partnership transactions) is amended by striking out “and section 1250 property (as defined in section 1250(c))” and inserting in lieu thereof “section 1250 property (as defined in section 1250(c)), farm recapture property (as defined in section 1251(e)(1)), and farm land (as defined in section 1252(a))”; and by striking out “1250(a)” and inserting in lieu thereof “1250(a), 1251(c), or 1252(a)”.

(7) The table of sections for part IV of subchapter P of chapter 1 is amended by adding at the end thereof the following:

“Sec. 1251. Gain from disposition of property used in farming where farm losses offset nonfarm income.”

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to taxable years beginning after December 31, 1969.

SEC. 212. LIVESTOCK.(a) **DEPRECIATION RECAPTURE.—**

(1) **GENERAL RULE.**—Section 1245(a)(2) (relating to recomputed basis with respect to gain from disposition of certain depreciable property) is amended by striking out “or” at the end of subparagraph (A), and by inserting immediately after subparagraph (B) the following:

“(C) with respect to livestock, its adjusted basis recomputed by adding thereto all adjustments attributable to periods after December 31, 1969, or.”

(2) **CONFORMING AMENDMENT.**—Section 1245(a)(3) (relating to section 1245 property) is amended by striking out “(other than livestock)”.

(3) **EFFECTIVE DATE.**—The amendments made by paragraphs (1) and (2) shall apply with respect to taxable years beginning after December 31, 1969.

(b) **LIVESTOCK USED IN TRADE OR BUSINESS.—**

(1) **AMENDMENT OF SECTION 1231.**—Section 1231(b)(3) (relating to property used in a trade or business) is amended to read as follows:

“(3) **LIVESTOCK.**—Such term includes—

“(A) cattle and horses, regardless of age, held by the taxpayer for draft, breeding, dairy, or sporting purposes, and held by him for 24 months or more from the date of acquisition, and

“(B) other livestock, regardless of age, held by the taxpayer for draft, breeding, dairy, or sporting purposes, and held by him for 12 months or more from the date of acquisition.

Such term does not include poultry.”

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall apply to livestock acquired after December 31, 1969.

(c) **EXCHANGES OF LIVESTOCK OF DIFFERENT SEXES.—**

(1) **NOT TO BE TREATED AS LIKE KIND EXCHANGES.**—Section 1031 (relating to exchange of property held for productive use or for investment) is amended by adding at the end thereof the following new subsection:

“(e) **EXCHANGES OF LIVESTOCK OF DIFFERENT SEXES.**—For purposes of this section, livestock of different sexes are not property of a like kind.”

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply to taxable years to which the Internal Revenue Code of 1954 applies.

SEC. 213. DEDUCTIONS ATTRIBUTABLE TO ACTIVITIES NOT ENGAGED IN FOR PROFIT.

(a) **GENERAL RULE.**—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding at the end thereof the following new section:

“SEC. 183. ACTIVITIES NOT ENGAGED IN FOR PROFIT.

“(a) **GENERAL RULE.**—In the case of an activity engaged in by an individual or an electing small business corporation (as defined in section 1371(b)), if such activity is not engaged in for profit, no deduction attributable to such activity shall be allowed under this chapter except as provided in this section.

“(b) **DEDUCTIONS ALLOWABLE.**—In the case of an activity not engaged in for profit to which subsection (a) applies, there shall be allowed—

76 Stat. 1032.
Post, p. 670.
26 USC 1245.

68A Stat. 325.

68A Stat. 302.
26 USC 1031.

26 USC 161-
182.

“(1) the deductions which would be allowable under this chapter for the taxable year without regard to whether or not such activity is engaged in for profit, and

“(2) a deduction equal to the amount of the deductions which would be allowable under this chapter for the taxable year only if such activity were engaged in for profit, but only to the extent that the gross income derived from such activity for the taxable year exceeds the deductions allowable by reason of paragraph (1).

“(c) ACTIVITY NOT ENGAGED IN FOR PROFIT DEFINED.—For purposes of this section, the term ‘activity not engaged in for profit’ means any activity other than one with respect to which deductions are allowable for the taxable year under section 162 or under paragraph (1) or (2) of section 212.

“(d) PRESUMPTION.—If the gross income derived from an activity for 2 or more of the taxable years in the period of 5 consecutive taxable years which ends with the taxable year exceeds the deductions attributable to such activity (determined without regard to whether or not such activity is engaged in for profit), then, unless the Secretary or his delegate establishes to the contrary, such activity shall be presumed for purposes of this chapter for such taxable year to be an activity engaged in for profit. In the case of an activity which consists in major part of the breeding, training, showing, or racing of horses, the preceding sentence shall be applied by substituting the period of 7 consecutive taxable years for the period of 5 consecutive taxable years.”

Repeal.

(b) TECHNICAL AMENDMENT.—Section 270 (relating to limitation on deductions allowable to certain individuals) is repealed.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end thereof the following new item:

“Sec. 183. Activities not engaged in for profit.”

(2) The table of sections for part IX of subchapter B of chapter 1 is amended by striking out the item relating to section 270.

(3) Section 6504 (relating to cross references) is amended by striking out the item relating to section 270.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1969.

SEC. 214. GAIN FROM DISPOSITION OF FARM LAND.

(a) IN GENERAL.—Part IV of subchapter P of chapter 1 (relating to special rules for determining capital gains and losses) is amended by adding after section 1251 (added by section 211 of this Act) the following new section:

“SEC. 1252. GAIN FROM DISPOSITION OF FARM LAND.

“(a) GENERAL RULE.—

“(1) ORDINARY INCOME.—Except as otherwise provided in this section, if farm land which the taxpayer has held for less than 10 years is disposed of during a taxable year beginning after December 31, 1969, the lower of—

“(A) the applicable percentage of the aggregate of the deductions allowed under sections 175 (relating to soil and water conservation expenditures) and 182 (relating to expenditures by farmers for clearing land) for expenditures made by the taxpayer after December 31, 1969, with respect to the farm land or

Ante, p. 566.

68A Stat. 67.
26 USC 175.
76 Stat. 1063.

“(B) the excess of—

“(i) the amount realized (in the case of a sale, exchange, or involuntary conversion), or the fair market value of the farm land (in the case of any other disposition), over

“(ii) the adjusted basis of such land,

shall be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231. Such gain shall be recognized notwithstanding any other provision of this subtitle, except that this section shall not apply to the extent section 1251 applies to such gain.

“(2) FARM LAND.—For purposes of this section, the term ‘farm land’ means any land with respect to which deductions have been allowed under sections 175 (relating to soil and water conservation expenditures) or 182 (relating to expenditures by farmers for clearing land).

“(3) APPLICABLE PERCENTAGE.—For purposes of this section—

If the farm land is disposed of—

The applicable percentage is—

Within 5 years after the date it was acquired	100 percent.
Within the sixth year after it was acquired	80 percent.
Within the seventh year after it was acquired	60 percent.
Within the eighth year after it was acquired	40 percent.
Within the ninth year after it was acquired	20 percent.
10 years or more years after it was acquired	0 percent.

“(b) SPECIAL RULES.—Under regulations prescribed by the Secretary or his delegate, rules similar to the rules of section 1245 shall be applied for purposes of this section.”

(b) CLERICAL AMENDMENT.—The table of sections for part IV of subchapter P of chapter 1 is amended by adding at the end thereof the following:

“Sec. 1252. Gain from the disposition of farm land.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1969.

SEC. 215. CROP INSURANCE PROCEEDS.

(a) YEAR IN WHICH INCLUDED IN INCOME.—Section 451 (relating to general rule for taxable year of inclusion) is amended by adding at the end thereof the following new subsection:

“(d) SPECIAL RULE FOR CROP INSURANCE PROCEEDS.—In the case of insurance proceeds received as a result of destruction or damage to crops, a taxpayer reporting on the cash receipts and disbursements method of accounting may elect to include such proceeds in income for the taxable year following the taxable year of destruction or damage, if he establishes that, under his practice, income from such crops would have been reported in a following taxable year. An election under this subsection for any taxable year shall be made at such time and in such manner as the Secretary or his delegate prescribes.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 216. CAPITALIZATION OF COSTS OF PLANTING AND DEVELOPING CITRUS GROVES.

(a) REQUIREMENT OF CAPITALIZATION.—Part IX of subchapter B of chapter 1 (relating to items not deductible) is amended by adding after section 277 (added by section 121(b)(3) of this Act) the following new section:

68A Stat. 325.
26 USC 1231.

Ante, p. 566.

76 Stat. 1063.

Ante, p. 571.

68A Stat. 152;
79 Stat. 382.

Ante, p. 540.

"SEC. 278. CAPITAL EXPENDITURES INCURRED IN PLANTING AND DEVELOPING CITRUS GROVES."

"(a) **GENERAL RULE.**—Except as provided in subsection (b), any amount (allowable as a deduction without regard to this section), which is attributable to the planting, cultivation, maintenance, or development of any citrus grove (or part thereof), and which is incurred before the close of the fourth taxable year beginning with the taxable year in which the trees were planted, shall be charged to capital account. For purposes of the preceding sentence, the portion of a citrus grove planted in one taxable year shall be treated separately from the portion of such grove planted in another taxable year.

"(b) **EXCEPTIONS.**—Subsection (a) shall not apply to amounts allowable as deductions (without regard to this section), and attributable to a citrus grove (or part thereof) which was:

"(1) replanted after having been lost or damaged (while in the hands of the taxpayer), by reason of freeze, disease, drought, pests or casualty, or

"(2) planted or replanted prior to the enactment of this section."

(b) **CLERICAL AMENDMENT.**—The table of sections for such part IX is amended by adding at the end thereof the following new item:

"Sec. 278. Capital expenditures incurred in planting and developing citrus groves."

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 1969.

Subtitle C—Interest**SEC. 221. INTEREST.**

68A Stat. 46;
77 Stat. 6, 7.
26 USC 163.

(a) **LIMITATION ON INTEREST DEDUCTION ATTRIBUTABLE TO INVESTMENT INDEBTEDNESS.**—Section 163 (relating to interest) is amended by redesignating subsection (d) as (e), and by inserting after subsection (c) the following new subsection:

"(d) **LIMITATION ON INTEREST ON INVESTMENT INDEBTEDNESS.**—

"(1) **IN GENERAL.**—In the case of a taxpayer other than a corporation, the amount of investment interest (as defined in paragraph (3)(D)) otherwise allowable as a deduction under this chapter shall be limited, in the following order, to—

"(A) \$25,000 (\$12,500, in the case of a separate return by a married individual), plus

"(B) the amount of the net investment income (as defined in paragraph (3)(A)), plus

"(C) an amount equal to the amount by which the net long-term capital gain exceeds the net short-term capital loss for the taxable year, plus

"(D) one-half of the amount by which investment interest exceeds the sum of the amounts described in subparagraphs (A), (B), and (C).

In the case of a trust, the \$25,000 amount specified in subparagraph (A) and in paragraph (2)(A) shall be zero. In determining the amount described in subparagraph (C), only gains and losses attributable to the disposition of property held for investment shall be taken into account.

"(2) **CARRYOVER OF DISALLOWED INVESTMENT INTEREST.**—

"(A) **IN GENERAL.**—The amount of disallowed investment interest for any taxable year shall be treated as investment interest paid or accrued in the succeeding taxable year. The amount of the interest so treated which is allowable as a

deduction by reason of the first sentence of this paragraph for any taxable year shall not exceed one-half of the amount by which—

“(i) the net investment income for such taxable year plus \$25,000, exceeds

“(ii) the investment interest paid or accrued during such taxable year (determined without regard to this paragraph) or \$25,000, whichever is greater.

(B) REDUCTION FOR CAPITAL GAIN DEDUCTION.—If—

“(i) an amount of disallowed investment interest treated under subparagraph (A) as investment interest paid or accrued in the taxable year is not allowable as a deduction for such taxable year by reason of the second sentence of subparagraph (A), and

“(ii) the taxpayer is entitled to a deduction under section 1202 for such taxable year (whether or not the taxpayer claims such deduction), the amount of such disallowed investment interest shall be reduced by an amount equal to the amount of the deduction allowable under section 1202.

“(3) DEFINITIONS.—For purposes of this subsection—

“(A) NET INVESTMENT INCOME.—The term ‘net investment income’ means the excess of investment income over investment expenses.

“(B) INVESTMENT INCOME.—The term ‘investment income’ means—

“(i) the gross income from interest, dividends, rents, and royalties,

“(ii) the net short-term capital gain attributable to the disposition of property held for investment, and

“(iii) any amount treated under sections 1245 and 1250 as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231,

but only to the extent such income, gain, and amounts are not derived from the conduct of a trade or business.

“(C) INVESTMENT EXPENSES.—The term ‘investment expenses’ means the deductions allowable under sections 164 (a) (1) or (2), 166, 167, 171, 212, or 611 directly connected with the production of investment income. For purposes of this subparagraph, the deduction allowable under section 167 with respect to any property may be treated as the amount which would have been allowable had the taxpayer depreciated the property under the straight line method for each taxable year of its useful life for which the taxpayer has held the property, and the deduction allowable under section 611 with respect to any property may be treated as the amount which would have been allowable had the taxpayer determined the deduction under section 611 without regard to section 613 for each taxable year for which the taxpayer has held the property.

“(D) INVESTMENT INTEREST.—The term ‘investment interest’ means interest paid or accrued on indebtedness incurred or continued to purchase or carry property held for investment.

“(E) DISALLOWED INVESTMENT INTEREST.—The term ‘disallowed investment interest’ means with respect to any taxable year, the amount not allowable as a deduction solely by reason of the limitations in paragraphs (1) and (2) (A).

68A Stat. 320.
26 USC 1202.

76 Stat. 1032.
Post, p. 652.

68A Stat. 325.

78 Stat. 40;
68A Stat. 50-207.
Post, pp. 625,
649.

Post, pp. 629,
630.

"(4) SPECIAL RULES.—

"(A) PROPERTY SUBJECT TO NET LEASE.—For purposes of this subsection, property subject to a lease shall be treated as property held for investment, and not as property used in a trade or business, for a taxable year, if—

“(i) for such taxable year the sum of the deductions with respect to such property which are allowable solely by reason of section 162 is less than 15 percent of the rental income produced by such property, or

“(ii) the lessor is either guaranteed a specified return or is guaranteed in whole or in part against loss of income.

"(B) PARTNERSHIPS.—In the case of a partnership, each partner shall, under regulations prescribed by the Secretary or his delegate, take into account separately his distributive share of the partnership's investment interest and the other items of income and expense taken into account under this subsection.

"(C) SHAREHOLDERS OF ELECTING SMALL BUSINESS CORPORATIONS.—In the case of an electing small business corporation (as defined in section 1371(b)), the investment interest paid or accrued by such corporation and the other items of income and expense which would be taken into account if this subsection applied to such corporation shall, under regulations prescribed by the Secretary or his delegate, be treated as investment interest paid or accrued by the shareholders of such corporation and as items of such shareholders, and shall be apportioned pro rata among such shareholders in a manner consistent with section 1374(c)(1).

"(D) CONSTRUCTION INTEREST.—For purposes of this subsection, interest paid or accrued on indebtedness incurred or continued in the construction of property to be used in a trade or business shall not be treated as investment interest.

"(5) CAPITAL GAINS.—For purposes of sections 1201(b) (relating to alternative capital gains tax), 1202 (relating to deduction for capital gains), and 57(a)(9) (relating to treatment of capital gains as a tax preference), an amount equal to the amount of investment interest which is allowable as a deduction under this chapter by reason of subparagraph (C) of paragraph (1) shall be treated as gain from the sale or other disposition of property which is neither a capital asset nor property described in section 1231.

"(6) EXCEPTIONS.—This subsection shall not apply with respect to investment interest, investment income, and investment expenses attributable to a specific item of property, if the indebtedness with respect to such property—

“(A) is for a specified term, and

“(B) was incurred before December 17, 1969, or is incurred after December 16, 1969, pursuant to a written contract or commitment which, on such date and at all times thereafter prior to the incurring of such indebtedness, is binding on the taxpayer.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1971.

Post, p. 710.

72 Stat. 1650.
26 USC 1371.

Post, p. 635.
68A Stat. 320.
Post, p. 581.

26 USC 1231.

Subtitle D—Moving Expenses

SEC. 231. MOVING EXPENSES.

(a) DEDUCTION FOR MOVING EXPENSES.—Section 217 (relating to moving expenses) is amended to read as follows:

“SEC. 217. MOVING EXPENSES.

“(a) DEDUCTION ALLOWED.—There shall be allowed as a deduction moving expenses paid or incurred during the taxable year in connection with the commencement of work by the taxpayer as an employee or as a self-employed individual at a new principal place of work.

“(b) DEFINITION OF MOVING EXPENSES.—

“(1) IN GENERAL.—For purposes of this section, the term ‘moving expenses’ means only the reasonable expenses—

“(A) of moving household goods and personal effects from the former residence to the new residence,

“(B) of traveling (including meals and lodging) from the former residence to the new place of residence,

“(C) of traveling (including meals and lodging), after obtaining employment, from the former residence to the general location of the new principal place of work and return, for the principal purpose of searching for a new residence,

“(D) of meals and lodging while occupying temporary quarters in the general location of the new principal place of work during any period of 30 consecutive days after obtaining employment, or

“(E) constituting qualified residence sale, purchase, or lease expenses.

“(2) QUALIFIED RESIDENCE SALE, ETC., EXPENSES.—For purposes of paragraph (1) (E), the term ‘qualified residence sale, purchase, or lease expenses’ means only reasonable expenses incident to—

“(A) the sale or exchange by the taxpayer or his spouse of the taxpayer’s former residence (not including expenses for work performed on such residence in order to assist in its sale) which (but for this subsection and subsection (e)) would be taken into account in determining the amount realized on the sale or exchange,

“(B) the purchase by the taxpayer or his spouse of a new residence in the general location of the new principal place of work which (but for this subsection and subsection (e)) would be taken into account in determining—

“(i) the adjusted basis of the new residence, or

“(ii) the cost of a loan (but not including any amounts which represent payments or prepayments of interest),

“(C) the settlement of an unexpired lease held by the taxpayer or his spouse on property used by the taxpayer as his former residence, or

“(D) the acquisition of a lease by the taxpayer or his spouse on property used by the taxpayer as his new residence in the general location of the new principal place of work (not including amounts which are payments or prepayments of rent).

“(3) LIMITATIONS.—

“(A) DOLLAR LIMITS.—The aggregate amount allowable as a deduction under subsection (a) in connection with a commencement of work which is attributable to expenses described in subparagraph (C) or (D) of paragraph (1)

shall not exceed \$1,000. The aggregate amount allowable as a deduction under subsection (a) which is attributable to qualified residence sale, purchase, or lease expenses shall not exceed \$2,500, reduced by the aggregate amount so allowable which is attributable to expenses described in subparagraph (C) or (D) of paragraph (1).

“(B) HUSBAND AND WIFE.”—If a husband and wife both commence work at a new principal place of work within the same general location, subparagraph (A) shall be applied as if there was only one commencement of work. In the case of a husband and wife filing separate returns, subparagraph (A) shall be applied by substituting '\$500' for '\$1,000', and by substituting '\$1,250' for '\$2,500'.

“(C) INDIVIDUALS OTHER THAN TAXPAYER.”—In the case of any individual other than the taxpayer, expenses referred to in subparagraphs (A) through (D) of paragraph (1) shall be taken into account only if such individual has both the former residence and the new residence as his principal place of abode and is a member of the taxpayer's household.

“(c) CONDITIONS FOR ALLOWANCE.”—No deduction shall be allowed under this section unless—

“(1) the taxpayer's new principal place of work—

“(A) is at least 50 miles farther from his former residence than was his former principal place of work, or

“(B) if he had no former principal place of work, is at least 50 miles from his former residence, and

“(2) either—

“(A) during the 12-month period immediately following his arrival in the general location of his new principal place of work, the taxpayer is a full-time employee, in such general location, during at least 39 weeks, or

“(B) during the 24-month period immediately following his arrival in the general location of his new principal place of work, the taxpayer is a full-time employee or performs services as a self-employed individual on a full-time basis, in such general location, during at least 78 weeks, of which not less than 39 weeks are during the 12-month period referred to in subparagraph (A).

For purposes of paragraph (1), the distance between two points shall be the shortest of the more commonly traveled routes between such two points.

“(d) RULES FOR APPLICATION OF SUBSECTION (c)(2).”—

“(1) The condition of subsection (c)(2) shall not apply if the taxpayer is unable to satisfy such condition by reason of—

“(A) death or disability, or

“(B) involuntary separation (other than for willful misconduct) from the service of, or transfer for the benefit of, an employer after obtaining full-time employment in which the taxpayer could reasonably have been expected to satisfy such condition.

“(2) If a taxpayer has not satisfied the condition of subsection (c)(2) before the time prescribed by law (including extensions thereof) for filing the return for the taxable year during which he paid or incurred moving expenses which would otherwise be deductible under this section, but may still satisfy such condition, then such expenses may (at the election of the taxpayer) be deducted for such taxable year notwithstanding subsection (c)(2).

“(3) If—

“(A) for any taxable year moving expenses have been deducted in accordance with the rule provided in paragraph (2), and

“(B) the condition of subsection (c)(2) cannot be satisfied at the close of a subsequent taxable year,

then an amount equal to the expenses which were so deducted shall be included in gross income for the first such subsequent taxable year.

“(e) DENIAL OF DOUBLE BENEFIT.—The amount realized on the sale of the residence described in subparagraph (A) of subsection (b)(2) shall not be decreased by the amount of any expenses described in such subparagraph which are allowed as a deduction under subsection (a), and the basis of a residence described in subparagraph (B) of subsection (b)(2) shall not be increased by the amount of any expenses described in such subparagraph which are allowed as a deduction under subsection (a). This subsection shall not apply to any expenses with respect to which an amount is included in gross income under subsection (d)(3).

“(f) RULES FOR SELF-EMPLOYED INDIVIDUALS.—

“(1) DEFINITION.—For purposes of this section, the term ‘self-employed individual’ means an individual who performs personal services—

“(A) as the owner of the entire interest in an unincorporated trade or business, or

“(B) as a partner in a partnership carrying on a trade or business.

“(2) RULE FOR APPLICATION OF SUBSECTIONS (b)(1) (c) AND (d).—For purposes of subparagraphs (C) and (D) of subsection (b)(1), an individual who commences work at a new principal place of work as a self-employed individual shall be treated as having obtained employment when he has made substantial arrangements to commence such work.

“(g) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.”

(b) INCLUSION IN GROSS INCOME OF MOVING EXPENSE REIMBURSEMENTS.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding after section 81 the following new section:

“SEC. 82. REIMBURSEMENT FOR EXPENSES OF MOVING.

“There shall be included in gross income (as compensation for services) any amount received or accrued, directly or indirectly, by an individual as a payment for or reimbursement of expenses of moving from one residence to another residence which is attributable to employment or self-employment.”

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end thereof the following new item:

“Sec. 82. Reimbursement of moving expenses.”

(2) Section 1001 (relating to determination of amount and recognition of gain or loss) is amended by adding after subsection (e) (as added by section 516(a) of this Act) the following new subsection:

“(f) CROSS REFERENCE.—

“For treatment of certain expenses incident to the sale of a residence which were deducted as moving expenses by the taxpayer or his spouse under section 217(a), see section 217(e).”

68A Stat. 19;
80 Stat. 1152.
26 USC 71-81.

Post, p. 646.

68A Stat. 301.

(3) Section 1016(c) is amended to read as follows:

“(c) CROSS REFERENCES.—

“(1) For treatment of certain expenses incident to the purchase of a residence which were deducted as moving expenses by the taxpayer or his spouse under section 217(a), see section 217(e).

“(2) For treatment of separate mineral interests as one property, see section 614.”

(d) EFFECTIVE DATES.—The amendments made by this section shall apply to taxable years beginning after December 31, 1969, except that—

(1) section 217 of the Internal Revenue Code of 1954 (as amended by subsection (a)) shall not apply to any item to the extent that the taxpayer received or accrued reimbursement or other expense allowance for such item in a taxable year beginning on or before December 31, 1969, which was not included in his gross income; and

(2) the amendments made by this section shall not apply (at the election of the taxpayer made at such time and manner as the Secretary of the Treasury or his delegate prescribes) with respect to moving expenses paid or incurred before July 1, 1970, in connection with the commencement of work by the taxpayer as an employee at a new principal place of work of which the taxpayer had been notified by his employer on or before December 19, 1969.

Ante, p. 577.

TITLE III—MINIMUM TAX; ADJUSTMENTS PRIMARILY AFFECTING INDIVIDUALS

Subtitle A—Minimum Tax

SEC. 301. MINIMUM TAX FOR TAX PREFERENCES.

68A Stat. 5;
82 Stat. 252.
26 USC 1-51.

(a) IN GENERAL.—Subchapter A of chapter 1 (relating to determination of tax liability) is amended by adding at the end thereof the following new part:

“PART VI—MINIMUM TAX FOR TAX PREFERENCES

“Sec. 56. Imposition of tax.

“Sec. 57. Items of tax preference.

“Sec. 58. Rules for application of this part.

“SEC. 56. IMPOSITION OF TAX.

“(a) IN GENERAL.—In addition to the other taxes imposed by this chapter, there is hereby imposed for each taxable year, with respect to the income of every person, a tax equal to 10 percent of the amount (if any) by which—

“(1) the sum of the items of tax preference in excess of \$30,000, is greater than

“(2) the taxes imposed by this chapter for the taxable year (computed without regard to this part and without regard to the taxes imposed by sections 531 and 541) reduced by the sum of the credits allowable under—

“(A) section 33 (relating to foreign tax credit),

“(B) section 37 (relating to retirement income), and

“(C) section 38 (relating to investment credit).

“(b) DEFERRAL OF TAX LIABILITY IN CASE OF CERTAIN NET OPERATING LOSSES.—

“(1) IN GENERAL.—If for any taxable year a person—

“(A) has a net operating loss any portion of which (under section 172) remains as a net operating loss carryover to a succeeding taxable year, and

“(B) has items of tax preference in excess of \$30,000,

26 USC 531,
541.

68A Stat. 13.

76 Stat. 962.

Post, p. 619.

then an amount equal to the lesser of the tax imposed by subsection (a) or 10 percent of the amount of the net operating loss carryover described in subparagraph (A) shall be treated as tax liability not imposed for the taxable year, but as imposed for the succeeding taxable year or years pursuant to paragraph (2).

"(2) YEAR OF LIABILITY.—In any taxable year in which any portion of the net operating loss carryover attributable to the excess described in paragraph (1)(B) reduces taxable income, the amount of tax liability described in paragraph (1) shall be treated as tax liability imposed in such taxable year in an amount equal to 10 percent of such reduction.

"(3) PRIORITY OF APPLICATION.—For purposes of paragraph (2), if any portion of the net operating loss carryover described in paragraph (1)(A) is not attributable to the excess described in paragraph (1)(B), such portion shall be considered as being applied in reducing taxable income before such other portion.

"SEC. 57. ITEMS OF TAX PREFERENCE.

"(a) IN GENERAL.—For purposes of this part, the items of tax preference are—

"(1) EXCESS INVESTMENT INTEREST.—The amount of the excess investment interest for the taxable year (as determined under subsection (b)).

"(2) ACCELERATED DEPRECIATION ON REAL PROPERTY.—With respect to each section 1250 property (as defined in section 1250 (c)), the amount by which the deduction allowable for the taxable year for exhaustion, wear and tear, obsolescence, or amortization exceeds the depreciation deduction which would have been allowable for the taxable year had the taxpayer depreciated the property under the straight line method for each taxable year of its useful life (determined without regard to section 167(k)) for which the taxpayer has held the property.

78 Stat. 101.
26 USC 1250.

Post, p. 651.

"(3) ACCELERATED DEPRECIATION ON PERSONAL PROPERTY SUBJECT TO A NET LEASE.—With respect to each item of section 1245 property (as defined in section 1245(a)(3)), which is the subject of a net lease, the amount by which the deduction allowable for the taxable year for exhaustion, wear and tear, obsolescence, or amortization exceeds the depreciation deduction which would have been allowable for the taxable year had the taxpayer depreciated the property under the straight line method for each taxable year of its useful life for which the taxpayer has held the property.

Ante, p. 571;
Post, p. 670.

"(4) AMORTIZATION OF CERTIFIED POLLUTION CONTROL FACILITIES.—With respect to each certified pollution control facility for which an election is in effect under section 169, the amount by which the deduction allowable for the taxable year under such section exceeds the depreciation deduction which would otherwise be allowable under section 167.

Post, p. 667.

"(5) AMORTIZATION OF RAILROAD ROLLING STOCK.—With respect to each unit of railroad rolling stock for which an election is in effect under section 184, the amount by which the deduction allowable for the taxable year under such section exceeds the depreciation deduction which would otherwise be allowable under section 167.

Post, pp. 625,
649.

"(6) STOCK OPTIONS.—With respect to the transfer of a share of stock pursuant to the exercise of a qualified stock option (as defined in section 422(b)) or a restricted stock option (as defined in

Post, p. 670.

78 Stat. 64.

78 Stat. 69.

Post, p. 616.

Post, p. 620.

68A Stat. 210.
26 USC 614.78 Stat. 25.
Post, p. 635.72 Stat. 1650.
Ante, p. 528.Ante, p. 571.
Post, p. 652.

68A Stat. 325.

section 424(b)), the amount by which the fair market value of the share at the time of exercise exceeds the option price.

(7) RESERVES FOR LOSSES ON BAD DEBTS OF FINANCIAL INSTITUTIONS.—In the case of a financial institution to which section 585 or 593 applies, the amount by which the deduction allowable for the taxable year for a reasonable addition to a reserve for bad debts exceeds the amount that would have been allowable had the institution maintained its bad debt reserve for all taxable years on the basis of actual experience.

(8) DEPLETION.—With respect to each property (as defined in section 614), the excess of the deduction for depletion allowable under section 611 for the taxable year over the adjusted basis of the property at the end of the taxable year (determined without regard to the depletion deduction for the taxable year).

(9) CAPITAL GAINS.—

(A) INDIVIDUALS.—In the case of a taxpayer other than a corporation, an amount equal to one-half of the amount by which the net long-term capital gain exceeds the net short-term capital loss for the taxable year.

(B) CORPORATIONS.—In the case of a corporation, if the net long-term capital gain exceeds the net short-term capital loss for the taxable year, an amount equal to the product obtained by multiplying such excess by a fraction the numerator of which is the sum of the normal tax rate and the surtax rate under section 11, minus the alternative tax rate under section 1201(a), for the taxable year, and the denominator of which is the sum of the normal tax rate and the surtax rate under section 11 for the taxable year. In the case of a corporation to which section 1201(a) does not apply, the amount under this subparagraph shall be determined under regulations prescribed by the Secretary or his delegate in a manner consistent with the preceding sentence.

Paragraph (1) shall apply only to taxable years beginning before January 1, 1972. Paragraphs (1) and (3) shall not apply to a corporation other than an electing small business corporation (as defined in section 1371(b)) and a personal holding company (as defined in section 542).

(b) EXCESS INVESTMENT INTEREST.—

(1) IN GENERAL.—For purposes of paragraph (1) of subsection (a), the excess investment interest for any taxable year is the amount by which the investment interest expense for the taxable year exceeds the net investment income for the taxable year.

(2) DEFINITIONS.—For purposes of this subsection—

(A) NET INVESTMENT INCOME.—The term ‘net investment income’ means the excess of investment income over investment expenses.

(B) INVESTMENT INCOME.—The term ‘investment income’ means—

“(i) the gross income from interest, dividends, rents, and royalties,

“(ii) the net short-term capital gain attributable to the disposition of property held for investment, and

“(iii) amounts treated under sections 1245 and 1250 as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231,

but only to the extent such income, gain, and amounts are not derived from the conduct of a trade or business.

“(C) INVESTMENT EXPENSES.—The term ‘investment expenses’ means the deductions allowable under sections 164(a) (1) or (2), 166, 167, 171, 212, 243, 244, 245, or 611 directly connected with the production of investment income. For purposes of this subparagraph, the deduction allowable under section 167 with respect to any property may be treated as the amount which would have been allowable had the taxpayer depreciated the property under the straight line method for each taxable year of its useful life for which the taxpayer has held the property, and the deduction allowable under section 611 with respect to any property may be treated as the amount which would have been allowable had the taxpayer determined the deduction under section 611 without regard to section 613 for each taxable year for which the taxpayer has held the property.

78 Stat. 40, 52,
55; 68A Stat. 50-
207; 80 Stat. 1558.

Post, pp. 625,
649.

Post, pp. 629,
630.

“(D) INVESTMENT INTEREST EXPENSE.—The term ‘investment interest expense’ means interest paid or accrued on indebtedness incurred or continued to purchase or carry property held for investment. For purposes of the preceding sentence, interest paid or accrued on indebtedness incurred or continued in the construction of property to be used in a trade or business shall not be treated as an investment interest expense.

“(3) PROPERTY SUBJECT TO NET LEASE.—For purposes of this subsection, property which is subject to a net lease entered into after October 9, 1969, shall be treated as property held for investment, and not as property used in a trade or business.

“(c) NET LEASES.—For purposes of this section, property shall be considered to be subject to a net lease for a taxable year if—

“(1) for such taxable year the sum of the deductions with respect to such property which are allowable solely by reason of section 162 is less than 15 percent of the rental income produced by such property, or

Post, p. 710.

“(2) the lessor is either guaranteed a specified return or is guaranteed in whole or in part against loss of income.

“SEC. 58. RULES FOR APPLICATION OF THIS PART.

“(a) HUSBAND AND WIFE.—In the case of a husband or wife who files a separate return for the taxable year, the \$30,000 amount specified in section 56 shall be \$15,000.

“(b) MEMBERS OF CONTROLLED GROUPS.—In the case of a controlled group of corporations (as defined in section 1563(a)), the \$30,000 amount specified in section 56 shall be divided equally among the component members of such group unless all component members consent (at such time and in such manner as the Secretary or his delegate prescribes by regulations) to an apportionment plan providing for an unequal allocation of such amount.

Post, p. 602.

“(c) ESTATES AND TRUSTS.—In the case of an estate or trust—

“(1) the sum of the items of tax preference for any taxable year of the estate or trust shall be apportioned between the estate or trust and the beneficiaries on the basis of the income of the estate or trust allocable to each, and

“(2) the \$30,000 amount specified in section 56 applicable to such estate or trust shall be reduced to an amount which bears the same ratio to \$30,000 as the portion of the sum of the items of tax preference allocated to the estate or trust under paragraph (1) bears to such sum.

“(d) ELECTING SMALL BUSINESS CORPORATIONS AND THEIR SHAREHOLDERS.—

72 Stat. 1650.

80 Stat. 113.

Ante, p. 580.

68A Stat. 203.

68A Stat. 268;
74 Stat. 1003.
26 USC 851,
856.

Post, p. 637.

"(1) IN GENERAL.—Except as provided in paragraph (2), the items of tax preference of an electing small business corporation (as defined in section 1371(b)) for each taxable year of the corporation shall be treated as items of tax preference of the shareholders of such corporation, and, except as provided in paragraph (2), shall not be treated as items of tax preference of such corporation. The sum of the items so treated shall be apportioned pro rata among such shareholders in a manner consistent with section 1374 (c) (1). For purposes of this paragraph, this part shall be treated as applying to such corporation.

"(2) CERTAIN CAPITAL GAINS.—If for a taxable year of an electing small business corporation a tax is imposed on the income of such corporation under section 1378, such corporation shall, notwithstanding the provisions of section 1371(b) (1), be subject to the tax imposed by section 56, but computed only with reference to the item of tax preference set forth in section 57(a) (9)(B) to the extent attributable to gains subject to the tax imposed by section 1378.

"(e) PARTICIPANTS IN A COMMON TRUST FUND.—The items of tax preference of a common trust fund (as defined in section 584(a)) for each taxable year of the fund shall be treated as items of tax preference of the participants of such fund and shall be apportioned pro rata among such participants. For purposes of this subsection, this part shall be treated as applying to such fund.

"(f) REGULATED INVESTMENT COMPANIES, ETC.—In the case of a regulated investment company to which part I of subchapter M applies or a real estate investment trust to which part II of subchapter M applies—

"(1) the item of tax preference set forth in section 57(a) (9) shall not be treated as an item of tax preference of such company or such trust for each taxable year to the extent that such item is attributable to amounts taken into account as income by the shareholders of such company under section 852(b) (3), or by the shareholders or holders of beneficial interests of such trust under section 857(b) (3), and

"(2) the items of tax preference of such company or such trust for each taxable year (other than the item of tax preference set forth in section 57(a) (9) and, in the case of a real estate investment trust, the item of tax preference set forth in section 57(a) (2)) shall be treated as items of tax preference of the shareholders of such company, or the shareholders or holders of beneficial interests of such trust (and not as items of tax preference of such company or such trust), in the same proportion that the dividends (other than capital gain dividends) paid to each such shareholder, or holder of beneficial interest, bears to the taxable income of such company or such trust determined without regard to the deduction for dividends paid.

"(g) TAX PREFERENCES ATTRIBUTABLE TO FOREIGN SOURCES.—

"(1) IN GENERAL.—For purposes of section 56, the items of tax preference set forth in section 57(a) (other than in paragraphs (6) and (9) of such section) which are attributable to sources within any foreign country or possession of the United States shall be taken into account only to the extent that such items reduce the tax imposed by this chapter (other than the tax imposed by section 56) on income derived from sources within the United States. For purposes of the preceding sentence, items of tax preference shall be treated as reducing the tax imposed by this chapter before items which are not items of tax preference.

“(2) CAPITAL GAINS AND STOCK OPTIONS.—For purposes of section 56, the items of tax preference set forth in paragraphs (6) and (9) of section 57(a) which are attributable to sources within any foreign country or possession of the United States shall not be taken into account if, under the tax laws of such country or possession—

Ante, p. 580.

“(A) in the case of the item set forth in paragraph (6) of section 57(a), preferential treatment is not accorded transfers of shares of stock pursuant to stock options described in such paragraph, and

“(B) in the case of the item set forth in paragraph (9) of section 57(a), preferential treatment is not accorded gain from the sale or exchange of capital assets (or property treated as capital assets).”

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) The table of parts for subchapter A of chapter 1 is amended by adding at the end thereof the following new item:

“Part VI. Minimum tax for tax preferences.”

(2) Section 5(a) (relating to cross references to other rates of tax on individuals, etc.) is amended by adding at the end thereof the following new paragraph:

“**(5) For minimum tax for tax preferences, see section 56.**”

(3) Section 12 (relating to cross references relating to tax on corporations) is amended by adding at the end thereof the following new paragraph:

“**(8) For minimum tax for tax preferences, see section 56.**”

(4) Section 46(a)(3) (relating to liability for tax for determining amount of investment credit) is amended by inserting “section 56 (relating to minimum tax for tax preferences),” before “section 531”.

(5) Section 51(b)(1) (relating to adjusted tax for purposes of tax surcharge) is amended by inserting “section 56,” after “this section.”.

82 Stat. 252.

(6) Section 443 (relating to returns for a period of less than 12 months) is amended by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection:

68A Stat. 149.
26 USC 443.

“(d) **ADJUSTMENT IN EXCLUSION FOR COMPUTING MINIMUM TAX FOR TAX PREFERENCES.**—If a return is made for a short period by reason of subsection (a), then the \$30,000 amount specified in section 56 (relating to minimum tax for tax preferences), modified as provided by section 58, shall be reduced to the amount which bears the same ratio to such specified amount as the number of days in the short period bears to 365.”

Ante, p. 580.

(7) Section 453(c)(3) (relating to rule for change from accrual to installment basis) is amended by inserting “, other than by section 56,” after “prior revenue laws”).

Ante, p. 536.

(8) Section 511 (relating to tax on unrelated business income of charitable, etc., organizations) is amended by adding after subsection (c) (as added by section 121(a)(3) of this Act) the following new subsection:

“(d) **TAX PREFERENCES.**—The tax imposed by section 56 shall apply to an organization subject to tax under this section with respect to items of tax preference which enter into the computation of unrelated business taxable income.”

(9) The last sentence of section 901(a) (relating to allowance of credit for taxes of foreign countries and of possessions of the United States) is amended by inserting “against the tax imposed

26 USC 901.

80 Stat. 114.
26 USC 1373.

72 Stat. 1654.

80 Stat. 62.

Ante, p. 580.

78 Stat. 105.

Post, p. 594.

by section 56 (relating to minimum tax for tax preferences)," after "not be allowed".

(10) Section 1373(c) (relating to definition of undistributed taxable income) is amended by striking out "tax imposed by section 1378(a)" and inserting in lieu thereof "taxes imposed by sections 56 and 1378(a)".

(11) Section 1375(a)(3) (relating to reduction for taxes imposed) is amended—

(A) by striking out "TAX IMPOSED BY SECTION 1378" in the heading of such section and inserting in lieu thereof "TAXES IMPOSED"; and

(B) by striking out "tax imposed by section 1378(a) on the income of" in the text of such section and inserting in lieu thereof "taxes imposed by sections 56 and 1378(a) on".

(12) Section 6015(c) (relating to definition of estimated tax) is amended by inserting after "taxable year" in paragraph (1) "(other than the tax imposed by section 56)".

(13) Section 6654(f) (relating to definition of tax) is amended by inserting after "chapter 1" in paragraph (1) "(other than by section 56)".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending after December 31, 1969. In the case of a taxable year beginning in 1969 and ending in 1970, the tax imposed by section 56 of the Internal Revenue Code of 1954 (as added by subsection (a)) shall be an amount equal to the tax imposed by such section (determined without regard to this sentence) multiplied by a fraction—

(1) the numerator of which is the number of days in the taxable year occurring after December 31, 1969, and

(2) the denominator of which is the number of days in the entire taxable year.

Subtitle B—Income Averaging

SEC. 311. INCOME AVERAGING.

(a) **LIMITATION ON TAX.**—Section 1301 (relating to limitation on tax) is amended by striking out "20 percent of such income" and all that follows and inserting in lieu thereof "20 percent of such income to 120 percent of average base period income."

(b) **AVERAGABLE INCOME.**—Section 1302 (relating to the definition of averagable income and related definitions) is amended to read as follows:

"SEC. 1302. DEFINITION OF AVERAGABLE INCOME; RELATED DEFINITIONS.

"(a) AVERAGABLE INCOME.—

"(1) **IN GENERAL.**—For purposes of this part, the term 'averagable income' means the amount by which taxable income for the computation year (reduced as provided in paragraph (2)) exceeds 120 percent of average base period income.

"(2) **REDUCTIONS.**—The taxable income for the computation year shall be reduced by—

 "(A) the amount (if any) to which section 72(m)(5) applies, and

 "(B) the amounts included in the income of a beneficiary of a trust under section 668(a).

"(b) AVERAGE BASE PERIOD INCOME.—For purposes of this part—

 "(1) **IN GENERAL.**—The term 'average base period income' means one-fourth of the sum of the base period incomes for the base period.

“(2) BASE PERIOD INCOME.—The base period income for any taxable year is the taxable income for such year—

“(A) increased by an amount equal to the excess of—

“(i) the amount excluded from gross income under section 911 (relating to earned income from sources without the United States) and subpart D of part III of subchapter N (sec. 931 and following, relating to income from sources within possessions of the United States), over

“(ii) the deductions which would have been properly allocable to or chargeable against such amount but for the exclusion of such amount from gross income; and

“(B) decreased by the amounts included in the income of a beneficiary of a trust under section 668(a).

Post, p. 594.

“(c) OTHER RELATED DEFINITIONS.—For purposes of this part—

“(1) COMPUTATION YEAR.—The term ‘computation year’ means the taxable year for which the taxpayer chooses the benefits of this part.

“(2) BASE PERIOD.—The term ‘base period’ means the 4 taxable years immediately preceding the computation year.

“(3) BASE PERIOD YEAR.—The term ‘base period year’ means any of the 4 taxable years immediately preceding the computation year.

“(4) JOINT RETURN.—The term ‘joint return’ means the return of a husband and wife made under section 6013.”

*Post, pp. 675,
676.
78 Stat. 108.*

(c) SPECIAL RULES.—Section 1304(b) (relating to special rules applicable to income averaging) is amended—

(1) by striking out “and” at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof a comma; and

(3) by adding at the end thereof the following new paragraphs:

“(5) section 1201(b) (relating to alternative capital gains tax), and

“(6) section 1348 (relating to 50-percent maximum rate on earned income).”

(d) CONFORMING AMENDMENTS.—

(1) Section 1303(c)(2)(B) is amended by striking out “adjusted”.

78 Stat. 107.

(2) Section 1304 is amended—

(A) by striking out paragraph (3) of subsection (c) and by redesignating paragraphs (4) and (5) of such subsections as paragraphs (3) and (4), respectively;

(B) by striking out “Paragraphs (2), (3), and (4)” in subsection (c)(1) and inserting in lieu thereof “Paragraphs (2) and (3)”;

(C) by striking out “paragraph (4)” in subsection (c)(1)

(B) and inserting in lieu thereof “paragraph (3)”; and

(D) by striking out “adjusted” in subparagraph (B) of subsection (c)(3) (as redesignated);

(E) by striking out in subsection (d) “, and the \$3,000 figure contained in section 1302(b)(2)(C) shall be applied to the aggregate net incomes”;

(F) by striking out subsections (e) and (f) and inserting in lieu thereof the following:

“(e) TREATMENT OF CERTAIN OTHER ITEMS.—

76 Stat. 821.

“(1) SECTION 72(m)(5).—Section 72(m)(5) (relating to penalties applicable to certain amounts received by owner-employees) shall be applied as if this part had not been enacted.

“(2) OTHER ITEMS.—Except as otherwise provided in this part, the order and manner in which items of income or limitations on tax shall be taken into account in computing the tax imposed by this chapter on the income of any eligible individual to whom section 1301 applies for any computation year shall be determined under regulations prescribed by the Secretary or his delegate.”;

Ante, p. 586.78 Stat. 111;
26 USC 6511.

(G) by redesignating subsection (g) as (f).

(3) Section 6511(d)(2)(B)(ii) is amended—

(A) by striking out “1302(e)(1)” and inserting in lieu thereof “1302(c)(1)”; and

(B) by striking out “1302(e)(3)” and inserting in lieu thereof “1302(c)(3)”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to computation years (within the meaning of section 1302(c)(1) of the Internal Revenue Code of 1954) beginning after December 31, 1969, and to base period years (within the meaning of section 1302(c)(3) of such Code) applicable to such computation years.

Ante, p. 586.

Subtitle C—Restricted Property

SEC. 321. RESTRICTED PROPERTY.

Ante, p. 579.

(a) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding after section 82 (as added by section 221(b) of this Act) the following new section:

“SEC. 33. PROPERTY TRANSFERRED IN CONNECTION WITH PERFORMANCE OF SERVICES.

“(a) GENERAL RULE.—If, in connection with the performance of services, property is transferred to any person other than the person for whom such services are performed, the excess of—

“(1) the fair market value of such property (determined without regard to any restriction other than a restriction which by its terms will never lapse) at the first time the rights of the person having the beneficial interest in such property are transferable or are not subject to a substantial risk of forfeiture, whichever occurs earlier, over

“(2) the amount (if any) paid for such property, shall be included in the gross income of the person who performed such services in the first taxable year in which the rights of the person having the beneficial interest in such property are transferable or are not subject to a substantial risk of forfeiture, whichever is applicable. The preceding sentence shall not apply if such person sells or otherwise disposes of such property in an arm’s length transaction before his rights in such property become transferable or not subject to a substantial risk of forfeiture.

“(b) ELECTION TO INCLUDE IN GROSS INCOME IN YEAR OF TRANSFER.—

“(1) IN GENERAL.—Any person who performs services in connection with which property is transferred to any person may elect to include in his gross income, for the taxable year in which such property is transferred, the excess of—

“(A) the fair market value of such property at the time of transfer (determined without regard to any restriction other than a restriction which by its terms will never lapse), over

“(B) the amount (if any) paid for such property. If such election is made, subsection (a) shall not apply with respect to the transfer of such property, and if such property is subsequently forfeited, no deduction shall be allowed in respect of such forfeiture.

“(2) ELECTION.—An election under paragraph (1) with respect to any transfer of property shall be made in such manner as the Secretary or his delegate prescribes and shall be made not later than 30 days after the date of such transfer (or, if later, 30 days after the date of the enactment of the Tax Reform Act of 1969). Such election may not be revoked except with the consent of the Secretary or his delegate.

“(c) SPECIAL RULES.—For purposes of this section—

“(1) SUBSTANTIAL RISK OF FORFEITURE.—The rights of a person in property are subject to a substantial risk of forfeiture if such person's rights to full enjoyment of such property are conditioned upon the future performance of substantial services by any individual.

“(2) TRANSFERABILITY OF PROPERTY.—The rights of a person in property are transferable only if the rights in such property of any transferee are not subject to a substantial risk of forfeiture.

“(d) CERTAIN RESTRICTIONS WHICH WILL NEVER LAPSE.—

“(1) VALUATION.—In the case of property subject to a restriction which by its terms will never lapse, and which allows the transferee to sell such property only at a price determined under a formula, the price so determined shall be deemed to be the fair market value of the property unless established to the contrary by the Secretary or his delegate, and the burden of proof shall be on the Secretary or his delegate with respect to such value.

“(2) CANCELLATION.—If, in the case of property subject to a restriction which by its terms will never lapse, the restriction is canceled, then, unless the taxpayer establishes—

“(A) that such cancellation was not compensatory, and
 “(B) that the person, if any, who would be allowed a deduction if the cancellation were treated as compensatory, will treat the transaction as not compensatory, as evidenced in such manner as the Secretary or his delegate shall prescribe by regulations,

the excess of the fair market value of the property (computed without regard to the restrictions) at the time of cancellation over the sum of—

“(C) the fair market value of such property (computed by taking the restriction into account) immediately before the cancellation, and

“(D) the amount, if any, paid for the cancellation, shall be treated as compensation for the taxable year in which such cancellation occurs.

“(e) APPLICABILITY OF SECTION.—This section shall not apply to—

“(1) a transaction to which section 421 applies,

“(2) a transfer to or from a trust described in section 401(a) or a transfer under an annuity plan which meets the requirements of section 404(a)(2),

“(3) the transfer of an option without a readily ascertainable fair market value, or

“(4) the transfer of property pursuant to the exercise of an option with a readily ascertainable fair market value at the date of grant.

“(f) HOLDING PERIOD.—In determining the period for which the taxpayer has held property to which subsection (a) applies, there shall be included only the period beginning at the first time his rights in such property are transferable or are not subject to a substantial risk of forfeiture, whichever occurs earlier.

“(g) CERTAIN EXCHANGES.—If property to which subsection (a) applies is exchanged for property subject to restrictions and conditions substantially similar to those to which the property given in such exchange was subject, and if section 354, 355, 356, or 1036 (or so much of section 1031 as relates to section 1036) applied to such exchange, or if such exchange was pursuant to the exercise of a conversion privilege—

“(1) such exchange shall be disregarded for purposes of subsection (a), and

“(2) the property received shall be treated as property to which subsection (a) applies.

“(h) DEDUCTION BY EMPLOYER.—In the case of a transfer of property to which this section applies or a cancellation of a restriction described in subsection (d), there shall be allowed as a deduction under section 162, to the person for whom were performed the services in connection with which such property was transferred, an amount equal to the amount included under subsection (a), (b), or (d)(2) in the gross income of the person who performed such services. Such deduction shall be allowed for the taxable year of such person in which or with which ends the taxable year in which such amount is included in the gross income of the person who performed such services.

“(i) TRANSITION RULES.—This section shall apply to property transferred after June 30, 1969, except that this section shall not apply to property transferred—

“(1) pursuant to a binding written contract entered into before April 22, 1969,

“(2) upon the exercise of an option granted before April 22, 1969,

“(3) before May 1, 1970, pursuant to a written plan adopted and approved before July 1, 1969,

“(4) before January 1, 1973, upon the exercise of an option granted pursuant to a binding written contract entered into before April 22, 1969, between a corporation and the transferor requiring the transferor to grant options to employees of such corporation (or a subsidiary of such corporation) to purchase a determinable number of shares of stock of such corporation, but only if the transferee was an employee of such corporation (or a subsidiary of such corporation) on or before April 22, 1969, or

“(5) in exchange for (or pursuant to the exercise of a conversion privilege contained in) property transferred before July 1, 1969, or for property to which this section does not apply (by reason of paragraphs (1), (2), (3), or (4)), if section 354, 355, 356, or 1036 (or so much of section 1031 as relates to section 1036) applies, or if gain or loss is not otherwise required to be recognized upon the exercise of such conversion privilege, and if the property received in such exchange is subject to restrictions and conditions substantially similar to those to which the property given in such exchange was subject.”

(b) NONEXEMPT TRUSTS AND NONQUALIFIED ANNUITIES.—

(1) **BENEFICIARY OF NONEXEMPT TRUST.**—Section 402(b) (relating to taxability of beneficiary of nonexempt trust) is amended to read as follows:

“(b) TAXABILITY OF BENEFICIARY OF NONEXEMPT TRUST.—Contributions to an employees' trust made by an employer during a taxable year of the employer which ends within or with a taxable year of the trust for which the trust is not exempt from tax under section 501(a) shall be included in the gross income of the employee in accordance with section 83 (relating to property transferred in connection with performance of services), except that the value of the employee's interest in the trust shall be substituted for the fair market value of the property for purposes of applying such section. The amount actually distributed or made available to any distributee by any such trust shall be taxable to him in the year in which so distributed or made available, under section 72 (relating to annuities), except that distributions of income of such trust before the annuity starting date (as defined in section 72(c)(4)) shall be included in the gross income of the employee without regard to section 72(e)(1) (relating to amount not received as annuities). A beneficiary of any such trust shall not be considered the owner of any portion of such trust under subpart E of part I of subchapter J (relating to grantors and others treated as substantial owners).”

68A Stat. 163.
26 USC 501.

Ante, p. 588.

(2) BENEFICIARY UNDER NONQUALIFIED ANNUITY.—Section 403 (relating to taxation of employee annuities) is amended by striking out subsections (c) and (d) and inserting in lieu thereof the following new subsection:

68A Stat. 137;
72 Stat. 1620,
1622.

“(c) TAXABILITY OF BENEFICIARY UNDER NONQUALIFIED ANNUITIES OR UNDER ANNUITIES PURCHASED BY EXEMPT ORGANIZATIONS.—Premiums paid by an employer for an annuity contract which is not subject to subsection (a) shall be included in the gross income of the employee in accordance with section 83 (relating to property transferred in connection with performance of services), except that the value of such contract shall be substituted for the fair market value of the property for purposes of applying such section. The preceding sentence shall not apply to that portion of the premiums paid which is excluded from gross income under subsection (b). The amount actually paid or made available to any beneficiary under such contract shall be taxable to him in the year in which so paid or made available under section 72 (relating to annuities).”

(3) DEDUCTIBILITY OF EMPLOYER CONTRIBUTIONS.—Section 404 (a)(5) (relating to deduction for contributions of an employer to an employees' trust, etc.) is amended to read as follows:

“(5) OTHER PLANS.—If the plan is not one included in paragraph (1), (2), or (3), in the taxable year in which an amount attributable to the contribution is includible in the gross income of employees participating in the plan, but, in the case of a plan in which more than one employee participates only if separate accounts are maintained for each employee.”

(c) CLERICAL AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end thereof the following new item:

“Sec. 83. Property transferred in connection with performance of services.”

(d) EFFECTIVE DATES.—The amendments made by subsections (a) and (c) shall apply to taxable years ending after June 30, 1969. The amendments made by subsection (b) shall apply with respect to contributions made and premiums paid after August 1, 1969.

Subtitle D—Accumulation Trusts, Multiple Trusts, Etc.

SEC. 331. TREATMENT OF EXCESS DISTRIBUTIONS BY TRUSTS.

68A Stat. 223;
76 Stat. 986.

(a) IN GENERAL.—Subpart D of part I of subchapter J of chapter 1 is amended to read as follows:

“SUBPART D—TREATMENT OF EXCESS DISTRIBUTIONS BY TRUSTS

“Sec. 665. Definitions applicable to subpart D.

“Sec. 666. Accumulation distribution allocated to preceding years.

“Sec. 667. Denial of refund to trusts; authorization of credit to beneficiaries.

“Sec. 668. Treatment of amounts deemed distributed in preceding years.

“Sec. 669. Treatment of capital gain deemed distributed in preceding years.

“SEC. 665. DEFINITIONS APPLICABLE TO SUBPART D.

“(a) UNDISTRIBUTED NET INCOME.—For purposes of this subpart, the term ‘undistributed net income’ for any taxable year means the amount by which the distributable net income of the trust for such taxable year exceeds the sum of—

“(1) the amounts for such taxable year specified in paragraphs (1) and (2) of section 661(a), and

“(2) the amount of taxes imposed on the trust attributable to such distributable net income.

“(b) ACCUMULATION DISTRIBUTION.—For purposes of this subpart, the term ‘accumulation distribution’ means, for any taxable year of the trust, the amount by which—

“(1) the amounts specified in paragraph (2) of section 661(a) for such taxable year, exceed

“(2) distributable net income for such year reduced (but not below zero) by the amounts specified in paragraph (1) of section 661(a).

“(c) SPECIAL RULE APPLICABLE TO DISTRIBUTIONS BY CERTAIN FOREIGN TRUSTS.—For purposes of this subpart, any amount paid to a United States person which is from a payor who is not a United States person and which is derived directly or indirectly from a foreign trust created by a United States person shall be deemed in the year of payment to have been directly paid by the foreign trust.

“(d) TAXES IMPOSED ON THE TRUST.—For purposes of this subpart, the term ‘taxes imposed on the trust’ means the amount of the taxes which are imposed for any taxable year of the trust under this chapter (without regard to this subpart) and which, under regulations prescribed by the Secretary or his delegate, are properly allocable to the undistributed portions of distributable net income and gains in excess of losses from sales or exchanges of capital assets. The amount determined in the preceding sentence shall be reduced by any amount of such taxes deemed distributed under section 666 (b) and (c) or 669 (d) and (e) to any beneficiary.

“(e) PRECEDING TAXABLE YEAR.—For purposes of this subpart—

“(1) in the case of a trust (other than a foreign trust created by a United States person), the term ‘preceding taxable year’ does not include any taxable year of the trust—

“(A) which precedes by more than 5 years the taxable year of the trust in which an accumulation distribution is made, if it is made in a taxable year beginning before January 1, 1974,

“(B) which begins before January 1, 1969, in the case of an accumulation distribution made during a taxable year beginning after December 31, 1973, or

“(C) which begins before January 1, 1969, in the case of a capital gain distribution made during a taxable year beginning after December 31, 1968; and

“(2) in the case of a foreign trust created by a United States person, such term does not include any taxable year of the trust to which this part does not apply.

In the case of a preceding taxable year with respect to which a trust qualifies (without regard to this subpart) under the provisions of subpart B, for purposes of the application of this subpart to such trust for such taxable year, such trust shall, in accordance with regulations prescribed by the Secretary or his delegate, be treated as a trust to which subpart C applies.

“(f) **UNDISTRIBUTED CAPITAL GAIN.**—For purposes of this subpart, the term ‘undistributed capital gain’ means, for any taxable year of the trust beginning after December 31, 1968, the amount by which—

“(1) gains in excess of losses from the sale or exchange of capital assets, to the extent that such gains are allocated to corpus and are not (A) paid, credited, or required to be distributed to any beneficiary during such taxable year, or (B) paid, permanently set aside, or used for the purposes specified in section 642(c), exceed

“(2) the amount of taxes imposed on the trust attributable to such gains.

For purposes of paragraph (1), the deduction under section 1202 (relating to deduction for excess of capital gains over capital losses) shall not be taken into account.

Ante, p. 558.

68A Stat. 320.
26 USC 1202.

“(g) **CAPITAL GAIN DISTRIBUTION.**—For purposes of this subpart, the term ‘capital gain distribution’ for any taxable year of the trust means, to the extent of undistributed capital gain for such taxable year, that portion of—

“(1) the excess of the amounts specified in paragraph (2) of section 661(a) for such taxable year over distributable net income for such year reduced (but not below zero) by the amounts specified in paragraph (1) of section 661(a), over

“(2) the undistributed net income of the trust for all preceding taxable years.

“SEC. 666. ACCUMULATION DISTRIBUTION ALLOCATED TO PRECEDING YEARS.

“(a) **AMOUNT ALLOCATED.**—In the case of a trust which is subject to subpart C, the amount of the accumulation distribution of such trust for a taxable year shall be deemed to be an amount within the meaning of paragraph (2) of section 661(a) distributed on the last day of each of the preceding taxable years, commencing with the earliest of such years, to the extent that such amount exceeds the total of any undistributed net income for all earlier preceding taxable years. The amount deemed to be distributed in any such preceding taxable year under the preceding sentence shall not exceed the undistributed net income for such preceding taxable year. For purposes of this subsection, undistributed net income for each of such preceding taxable years shall be computed without regard to such accumulation distribution and without regard to any accumulation distribution determined for any succeeding taxable year.

“(b) **TOTAL TAXES DEEMED DISTRIBUTED.**—If any portion of an accumulation distribution for any taxable year is deemed under subsection (a) to be an amount within the meaning of paragraph (2)

58A Stat. 220.
26 USC 661.

of section 661(a) distributed on the last day of any preceding taxable year, and such portion of such distribution is not less than the undistributed net income for such preceding taxable year, the trust shall be deemed to have distributed on the last day of such preceding taxable year an additional amount within the meaning of paragraph (2) of section 661(a). Such additional amount shall be equal to the taxes imposed on the trust for such preceding taxable year attributable to the undistributed net income. For purposes of this subsection, the undistributed net income and the taxes imposed on the trust for such preceding taxable year attributable to such undistributed net income shall be computed without regard to such accumulation distribution and without regard to any accumulation distribution determined for any succeeding taxable year.

“(c) PRO RATA PORTION OF TAXES DEEMED DISTRIBUTED.—If any portion of an accumulation distribution for any taxable year is deemed under subsection (a) to be an amount within the meaning of paragraph (2) of section 661(a) distributed on the last day of any preceding taxable year and such portion of the accumulation distribution is less than the undistributed net income for such preceding taxable year, the trust shall be deemed to have distributed on the last day of such preceding taxable year an additional amount within the meaning of paragraph (2) of section 661(a). Such additional amount shall be equal to the taxes imposed on the trust for such taxable year attributable to the undistributed net income multiplied by the ratio of the portion of the accumulation distribution to the undistributed net income of the trust for such year. For purposes of this subsection, the undistributed net income and the taxes imposed on the trust for such preceding taxable year attributable to such undistributed net income shall be computed without regard to the accumulation distribution and without regard to any accumulation distribution determined for any succeeding taxable year.

“(d) RULE WHEN INFORMATION IS NOT AVAILABLE.—If adequate records are not available to determine the proper application of this subpart to an amount distributed by a trust, such amount shall be deemed to be an accumulation distribution consisting of undistributed net income earned during the earliest preceding taxable year of the trust in which it can be established that the trust was in existence.

“SEC. 667. DENIAL OF REFUND TO TRUSTS; AUTHORIZATION OF CREDIT TO BENEFICIARIES.

“(a) DENIAL OF REFUND TO TRUSTS.—No refund or credit shall be allowed to a trust for any preceding taxable year by reason of a distribution deemed to have been made by such trust in such year under section 666 or 669.

“(b) AUTHORIZATION OF CREDIT TO BENEFICIARY.—There shall be allowed as a credit (without interest) against the tax imposed by this subtitle on the beneficiary an amount equal to the amount of the taxes deemed distributed to such beneficiary by the trust under sections 666(b) and (c) and 669(d) and (e) during preceding taxable years of the trust on the last day of which the beneficiary was in being, reduced by the amount of the taxes deemed distributed to such beneficiary for such preceding taxable years to the extent that such taxes are taken into account under sections 668(b)(1) and 669(b) in determining the amount of the tax imposed by section 668.

“SEC. 668. TREATMENT OF AMOUNTS DEEMED DISTRIBUTED IN PRECEDING YEARS.

“(a) GENERAL RULE.—The total of the amounts which are treated under sections 666 and 669 as having been distributed by the trust in a preceding taxable year shall be included in the income of a beneficiary

of the trust when paid, credited, or required to be distributed to the extent that such total would have been included in the income of such beneficiary under section 662(a)(2) and (b) if such total had been paid to such beneficiary on the last day of such preceding taxable year. The tax imposed by this subtitle on a beneficiary for a taxable year in which any such amount is included in his income shall be determined only as provided in this section and shall consist of the sum of—

68A Stat. 220.
26 USC 662.

“(1) a partial tax computed on the taxable income reduced by an amount equal to the total of such amounts, at the rate and in the manner as if this section had not been enacted,

“(2) a partial tax determined as provided in subsection (b) of this section, and

“(3) in the case of a beneficiary of a trust which is not required to distribute all of its income currently, a partial tax determined as provided in section 669.

For purposes of this subpart, a trust shall not be considered to be a trust which is not required to distribute all of its income currently for any taxable year prior to the first taxable year in which income is accumulated.

“(b) TAX ON DISTRIBUTION.—

“(1) ALTERNATIVE METHODS.—Except as provided in paragraph (2), the partial tax imposed by subsection (a)(2) shall be the lesser of—

“(A) the aggregate of the taxes attributable to the amounts deemed distributed under section 666 had they been included in the gross income of the beneficiary on the last day of each respective preceding taxable year, or

“(B) the tax determined by multiplying, by the number of preceding taxable years of the trust, on the last day of which an amount is deemed under section 666(a) to have been distributed, the average of the increase in tax attributable to recomputing the beneficiary's gross income for each of the beneficiary's 3 taxable years immediately preceding the year of the accumulation distribution by adding to the income of each of such years an amount determined by dividing the amount deemed distributed under section 666 and required to be included in income under subsection (a) by such number of preceding taxable years of the trust,

less an amount equal to the amount of taxes deemed distributed to the beneficiary under sections 666 (b) and (c).

“(2) SPECIAL RULES.—

“(A) If a beneficiary was not in existence on the last day of a preceding taxable year of the trust with respect to which a distribution is deemed made under section 666(a), the partial tax under either paragraph (1)(A) or (1)(B) shall be computed as if the beneficiary were in existence on the last day of such year on the basis that the beneficiary had no gross income (other than amounts deemed distributed to him under sections 666 and 669 by the same or other trusts) and no deductions for such year.

“(B) The partial tax shall not be computed under the provisions of subparagraph (B) of paragraph (1) if, in the same prior taxable year of the beneficiary in which any part of the accumulation distribution is deemed under section 666(a) to have been distributed to such beneficiary, some part of prior accumulation distributions by each of two or more other trusts

is deemed under section 666(a) to have been distributed to such beneficiary.

“(C) If the partial tax is computed under paragraph (1)(B), and the amount of the undistributed net income deemed distributed in any preceding taxable year of the trust is less than 25 percent of the amount of the accumulation distribution divided by the number of preceding taxable years to which the accumulation distribution is allocated under section 666(a), the number of preceding taxable years of the trust with respect to which an amount is deemed distributed to a beneficiary under section 666(a) shall be determined without regard to such year.

“(3) EFFECT OF OTHER ACCUMULATION DISTRIBUTIONS AND CAPITAL GAIN DISTRIBUTIONS.—In computing the partial tax under paragraph (1) for any beneficiary, the income of such beneficiary for each of his prior taxable years—

“(A) shall include amounts previously deemed distributed to such beneficiary in such year under section 666 or 669 as a result of prior accumulation distributions or capital gain distributions (whether from the same or another trust), and

“(B) shall not include amounts deemed distributed to such beneficiary in such year under section 669 as a result of a capital gain distribution from the same trust in the current year.

“(4) MULTIPLE DISTRIBUTIONS IN THE SAME TAXABLE YEAR.—In the case of accumulation distributions made from more than one trust which are includible in the income of a beneficiary in the same taxable year, the distributions shall be deemed to have been made consecutively in whichever order the beneficiary shall determine.

“(5) INFORMATION REQUIREMENTS WITH RESPECT TO BENEFICIARY.—

“(A) Except as provided in subparagraph (B), the partial tax shall not be computed under the provisions of paragraph (1)(A) unless the beneficiary supplies such information with respect to his income, for each taxable year with which or in which ends a taxable year of the trust on the last day of which an amount is deemed distributed under section 666(a), as the Secretary or his delegate prescribes by regulations.

“(B) If by reason of paragraph (2)(B) the provisions of paragraph (1)(B) do not apply, the determination of the amount of the beneficiary’s income for a taxable year for which the beneficiary has not supplied the information required under subparagraph (A) shall be made by the Secretary or his delegate on the basis of information available to him.

“SEC. 669. TREATMENT OF CAPITAL GAIN DEEMED DISTRIBUTED IN PRECEDING YEARS.

“(a) AMOUNT ALLOCATED.—In the case of a trust which is not required to distribute all of its income currently, the amount of a capital gain distribution of such trust for a taxable year shall be deemed to be an amount properly paid, credited, or required to be distributed on the last day of each of the preceding taxable years, commencing with the earliest of such years, to the extent that such amount exceeds the total of any undistributed capital gain for all earlier preceding taxable years. The amount deemed to be distributed in any such preceding taxable year under the preceding sentence shall not exceed the undistributed capital gain for such preceding taxable year. For purposes of

this subsection, undistributed capital gain for each of such preceding taxable years shall be computed without regard to such capital gain distribution and without regard to any capital gain distribution determined for any succeeding taxable year.

“(b) TAX ON DISTRIBUTION.—The partial tax imposed by section 668(a)(3) shall be the lesser of—

“(1) the aggregate of the taxes attributable to the amounts deemed distributed under this section, had such amounts been included in the gross income of the beneficiary on the last day of each respective preceding taxable year, or

“(2) the tax determined by multiplying by the number of preceding taxable years of the trust, on the last day of which net gains from the sale or exchange of capital assets are deemed under subsection (a) to have been distributed, the average of the increase in tax attributable to recomputing the beneficiary's gross income for each of the beneficiary's 3 taxable years immediately preceding the year of the capital gain distribution by adding to the income of each of such years an amount determined by dividing the total of the amounts deemed distributed under this section and required to be included in income under section 668(a) by such number of preceding taxable years of the trust,

less an amount equal to the amount of taxes deemed distributed to the beneficiary under subsections (d) and (e) which are attributable to the capital gain distribution.

“(c) EFFECT OF OTHER DISTRIBUTIONS; SPECIAL RULES, ETC.—In computing the partial tax under subsection (b) for any beneficiary, the income of such beneficiary for each of his prior taxable years—

“(1) shall include amounts previously deemed distributed to such beneficiary in such year under section 666 or 669 as a result of prior accumulation distributions or capital gain distributions (whether from the same or another trust), and

“(2) shall include amounts deemed distributed to such beneficiary in such year under section 666 as a result of an accumulation distribution from the same trust in the current year.

Under regulations prescribed by the Secretary or his delegate, rules similar to the rules provided by paragraphs (2), (4), and (5) of section 668(b) shall be applied for purposes of this section.

“(d) TOTAL TAXES DEEMED DISTRIBUTED.—If any portion of a capital gain distribution for any taxable year is deemed under subsection (a) to be an amount properly paid, credited or required to be distributed on the last day of any preceding taxable year, and such portion of such capital gain distribution is not less than the undistributed capital gain for such preceding taxable year, the trust shall be deemed to have properly distributed on the last day of such preceding taxable year an additional amount. Such additional amount shall be equal to the taxes imposed on the trust for such preceding taxable year attributable to such undistributed capital gain. For purposes of this subsection, the undistributed capital gain and the taxes imposed on the trust for such preceding taxable year attributable to such gain shall be computed without regard to such capital gain distribution and without regard to any capital gain distribution determined for any succeeding taxable year.

“(e) PRO RATA PORTION OF TAXES DEEMED DISTRIBUTED.—If any portion of a capital gain distribution for any taxable year is deemed under subsection (a) to be an amount properly paid, credited, or required to be distributed on the last day of any preceding taxable year and such portion of the capital gain distribution is less than the undistributed capital gain for such preceding taxable year, the trust shall

be deemed to have properly distributed on the last day of such preceding taxable year an additional amount. Such additional amount shall be equal to the taxes imposed on the trust for such taxable year attributable to such undistributed capital gain multiplied by the ratio of the portion of the capital gain distribution to the undistributed capital gain of the trust for such year. For purposes of this subsection, the undistributed capital gain and the taxes imposed on the trust for such preceding taxable year attributable to such gain shall be computed without regard to the capital gain distribution and without regard to any capital gain distribution determined for any succeeding taxable year.

(f) CHARACTER OF CAPITAL GAIN.—For purposes of this section, the character of the capital gain of a trust for any taxable year with respect to a beneficiary shall be the same as it was with respect to the trust.”

(b) DISTRIBUTIONS IN FIRST SIXTY-FIVE DAYS OF TAXABLE YEAR.—Section 663(b)(2) (relating to limitation on sixty-five day rule) is amended to read as follows:

“(2) LIMITATION.—Paragraph (1) shall apply with respect to any taxable year of a trust only if the fiduciary of such trust elects, in such manner and at such time as the Secretary or his delegate prescribes by regulations, to have paragraph (1) apply for such taxable year.”

(c) EXCESSIVE CREDITS.—Section 6401(b) (relating to excessive credits) is amended—

(1) by striking out “UNDER SECTIONS 31 AND 39” in the heading of such section;

(2) by striking out “and 39 (relating)” in the text of such section and inserting in lieu thereof “, 39 (relating); and

(3) by inserting after “lubricating oil” in the text of such section “and 667(b) (relating to taxes paid by certain trusts)”.

(d) EFFECTIVE DATE.—

(1) **GENERAL RULE.**—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 1968.

(2) **EXCEPTIONS.**—

(A) Amounts paid, credited, or required to be distributed by a trust (other than a foreign trust created by a United States person) on or before the last day of a taxable year of the trust beginning before January 1, 1974, shall not be deemed to be accumulation distributions to the extent that such amounts were accumulated by a trust in taxable years of such trust beginning before January 1, 1969, and would have been excepted from the definition of an accumulation distribution by reason of paragraphs (1), (2), (3), or (4) of section 665(b) of the Internal Revenue Code of 1954, as in effect on December 31, 1968, if they had been distributed on the last day of the last taxable year of the trust beginning before January 1, 1969.

(B) For taxable years of a trust beginning before January 1, 1970, the first sentence of section 666(a) of the Internal Revenue Code of 1954 (as amended by this section) shall not apply, and the amount of the accumulation distribution of the trust for such taxable years shall be deemed to be an amount within the meaning of paragraph (2) of section 661(a) distributed on the last day of each of the preceding taxable years

to the extent that such amount exceeds the total of any undistributed net income for any taxable years intervening between the taxable year with respect of which the accumulation distribution is determined and such preceding taxable year.

(C) In the case of a trust which was in existence on December 31, 1969, section 669 of the Internal Revenue Code of 1954, as amended by this section, shall not apply to capital gain distributions made to a beneficiary before January 1, 1972. If the beneficiary receives capital gain distributions from more than one such trust before January 1, 1972, the preceding sentence shall apply to capital gain distributions from only one of such trusts, such one to be designated by the taxpayer in accordance with regulations prescribed by the Secretary or his delegate. For purposes of the preceding sentence, capital gain distributions received from a trust qualifying under section 2056(b)(5) of the Internal Revenue Code of 1954 by a surviving spouse (who is the beneficiary of only one such trust) shall be disregarded.

68A Stat. 392.
26 USC 2056.

SEC. 332. TRUST INCOME FOR BENEFIT OF A SPOUSE.

(a) INCOME FOR BENEFIT OF GRANTOR'S SPOUSE.—

(1) Paragraphs (1), (2), and (3) of section 677(a) (relating to income for benefit of grantor) are amended by striking out "the grantor" each place it appears and inserting in lieu thereof "the grantor or the grantor's spouse".

(2) Section 677(b) is amended by striking out "beneficiary" and inserting in lieu thereof "beneficiary (other than the grantor's spouse)".

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply in respect of property transferred in trust after October 9, 1969.

TITLE IV—ADJUSTMENTS PRIMARILY AFFECTING CORPORATIONS

Subtitle A—Multiple Corporations

SEC. 401. MULTIPLE CORPORATIONS.

(a) IN GENERAL.—

(1) Section 1561 (relating to surtax exemptions in case of certain controlled corporations) is amended to read as follows:

78 Stat. 116.

"SEC. 1561. LIMITATIONS ON CERTAIN MULTIPLE TAX BENEFITS IN THE CASE OF CERTAIN CONTROLLED CORPORATIONS.

"(a) **GENERAL RULE.**—The component members of a controlled group of corporations on a December 31 shall, for their taxable years which include such December 31, be limited for purposes of this subtitle to—

"(1) one \$25,000 surtax exemption under section 11(d),

"(2) one \$100,000 amount for purposes of computing the accumulated earnings credit under section 535(c)(2) and (3), and

"(3) one \$25,000 amount for purposes of computing the limitation on the small business deduction of life insurance companies under sections 804(a)(4) and 809(d)(10).

78 Stat. 25.

68A Stat. 180;
72 Stat. 1680.

73 Stat. 115.

The amount specified in paragraph (1) shall be divided equally among the component members of such group on such December 31 unless all of such component members consent (at such time and in such manner as the Secretary or his delegate shall by regulations prescribe) to an apportionment plan providing for an unequal allocation of such amount. The amounts specified in paragraphs (2) and (3) shall be

divided equally among the component members of such group on such December 31 unless the Secretary or his delegate prescribes regulations permitting an unequal allocation of such amounts.

“(b) CERTAIN SHORT TAXABLE YEARS.—If a corporation has a short taxable year which does not include a December 31 and is a component member of a controlled group of corporations with respect to such taxable year, then for purposes of this subtitle—

“(1) the surtax exemption under section 11(d),

“(2) the amount to be used in computing the accumulated earnings credit under section 535(c) (2) and (3), and

“(3) the amount to be used in computing the limitation on the small business deduction of life insurance companies under sections 804(a)(4) and 809(d)(10),

of such corporation for such taxable year shall be the amount specified in subsection (a) (1), (2), or (3), as the case may be, divided by the number of corporations which are component members of such group on the last day of such taxable year. For purposes of the preceding sentence, section 1563(b) shall be applied as if such last day were substituted for December 31.”

(2) Section 1562 (relating to privilege of groups to elect multiple surtax exemptions) is repealed.

(3) The table of sections for part II of subchapter B of chapter 6 is amended by striking out the items relating to sections 1561 and 1562 and inserting in lieu thereof the following:

“Sec. 1561. Limitations on certain multiple tax benefits in the case of certain controlled corporations.”

(b) TRANSITIONAL RULES FOR CONTROLLED GROUPS OF CORPORATIONS.—

(1) Part II of subchapter B of chapter 6 (relating to certain controlled corporations) is amended by adding at the end thereof the following new section:

“SEC. 1564. TRANSITIONAL RULES IN THE CASE OF CERTAIN CONTROLLED CORPORATIONS.

“(a) LIMITATION ON ADDITIONAL BENEFITS.—

“(1) IN GENERAL.—With respect to any December 31 after 1969 and before 1975, the amount of—

“(A) each additional \$25,000 surtax exemption under section 1562 in excess of the first such exemption,

“(B) each additional \$100,000 amount under section 535(c)

(2) and (3) in excess of the first such amount, and

“(C) each additional \$25,000 limitation on the small business deduction of life insurance companies under sections 804(a)(4) and 809(d)(10) in excess of the first such limitation,

otherwise allowed to the component members of a controlled group of corporations for their taxable years which include such December 31 shall be reduced to the amount set forth in the following schedule:

“Taxable years including—	Surtax exemption	Amount under sec. 535(c)(2) and (3)	Small business deduction limitation
Dec. 31, 1970.....	\$20,833	\$83,333	\$20,833
Dec. 31, 1971.....	16,667	66,667	16,667
Dec. 31, 1972.....	12,500	50,000	12,500
Dec. 31, 1973.....	8,333	33,333	8,333
Dec. 31, 1974.....	4,167	16,667	4,167

“(2) ELECTION.—With respect to any December 31 after 1969 and before 1975, the component members of a controlled group of corporations shall elect (at such time and in such manner as the Secretary or his delegate shall by regulations prescribe) which component member of such group shall be allowed for its taxable year which includes such December 31 the surtax exemption, the amount under section 535(c) (2) and (3), or the small business deduction limitation which is not reduced under paragraph (1).

68A Stat. 180;
72 Stat. 1680.

“(b) DIVIDENDS RECEIVED BY CORPORATIONS.—

“(1) GENERAL RULE.—If—

“(A) an election of a controlled group of corporations (as defined in paragraph (1), or in so much of paragraph (4) as relates to paragraph (1), of section 1563(a)) under section 1562(a) (relating to privilege of a controlled group of corporations to elect to have each of its component members make its returns without regard to section 1561) was made on or before April 22, 1969, and

“(B) such election is effective with respect to the taxable year of each component member of such group which includes December 31, 1969,

then, with respect to a dividend distributed on or before December 31, 1977, out of earnings and profits of a taxable year which includes a December 31 after 1969 and before 1975, subsections (a)(3) and (b) of section 243 (relating to dividends received by corporations) shall be applied to such component members comprising an affiliated group (as defined in section 243(b)(5)) in the manner set forth in paragraph (2).

“(2) SPECIAL RULES.—

“(A) An election under section 243(b)(2) may be made for a taxable year which includes a December 31 after 1969 and before 1975, notwithstanding that an election under section 1562(a) is in effect for the taxable year.

“(B) Section 243(b)(1)(B)(ii) shall not apply with respect to a dividend distributed on or before December 31, 1977, out of earnings and profits of a taxable year which includes a December 31 after 1969 and before 1975 for which an election under section 1562(a) is in effect, and in lieu of the percentage specified in section 243(a)(3) with respect to such dividend, the percentage shall be the percentage set forth in the following schedule:

If the dividend is distributed out
of the earnings and profits of
the distributing corporation's
taxable year which includes—

The percentage
shall be—

December 31, 1970-----	87½ percent.
December 31, 1971-----	90 percent.
December 31, 1972-----	92½ percent.
December 31, 1973-----	95 percent.
December 31, 1974-----	97½ percent.

“(C) For taxable years which include a December 31 after 1969 for which an election under section 1562(a) is in effect, section 243(b)(3)(C)(v) shall not be applied to limit the number of surtax exemptions.

“(c) CERTAIN SHORT TAXABLE YEARS.—If—

“(1) a corporation has a short taxable year beginning after December 31, 1969, and ending before December 31, 1974, which does not include a December 31, and

78 Stat. 120.
Anote, p. 600.

78 Stat. 52.
26 USC 243.

“(2) such corporation is a component member of a controlled group of corporations with respect to such taxable year (determined by applying section 1563(b) as if the last day of such taxable year were substituted for December 31), then subsections (a) and (b) shall be applied as if the last day of such taxable year were the nearest December 31 to such day.”

Ante, p. 600.

78 Stat. 25.

68A Stat. 182.

73 Stat. 115.

78 Stat. 120.
26 USC 1563.

68A Stat. 163.

(2) (A) The first sentence of section 1562(b)(1) is amended by striking out “\$25,000” and inserting in lieu thereof “the amount of such corporation’s surtax exemption for such taxable year”.

(B) Section 11(d) is amended by striking out “section 1561” and inserting in lieu thereof “section 1561 or 1564”.

(C) Section 535(c)(5) is amended by striking out “section 1551” and inserting in lieu thereof “section 1551, and for limitation on such credit in the case of certain controlled corporations, see sections 1561 and 1564”.

(D) Section 804 is amended by adding after subsection (c) the following new subsection:

“(d) CROSS REFERENCE.—

“For reduction of the \$25,000 amount provided in subsection (a)(4) in the case of certain controlled corporations, see sections 1561 and 1564.”

(E) The table of sections for part II of subchapter B of chapter 6 is amended by adding at the end thereof the following:

“Sec. 1564. Transitional rules in the case of certain controlled corporations.”

(c) **BROTHER-SISTER CONTROLLED GROUPS.**—Section 1563(a)(2) is amended to read as follows:

“(2) BROTHER-SISTER CONTROLLED GROUP.—Two or more corporations if 5 or fewer persons who are individuals, estates, or trusts own (within the meaning of subsection (d)(2)) stock possessing—

“(A) at least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of the stock of each corporation, and

“(B) more than 50 percent of the total combined voting power of all classes of stock entitled to vote or more than 50 percent of the total value of shares of all classes of stock of each corporation, taking into account the stock ownership of each such person only to the extent such stock ownership is identical with respect to each such corporation.”

(d) EXCLUDED STOCK RULES.—

(1) Section 1563(c)(2)(A) is amended by striking out “or” at the end of clause (ii); by striking out “stock,” at the end of clause (iii) and inserting in lieu thereof “stock, or”; and by adding after clause (iii) the following new clause:

“(iv) stock in the subsidiary corporation owned (within the meaning of subsection (d)(2)) by an organization (other than the parent corporation) to which section 501 (relating to certain educational and charitable organizations which are exempt from tax) applies and which is controlled directly or indirectly by the parent corporation or subsidiary corporation, by an individual, estate, or trust that is a principal stockholder (within the meaning of clause (ii)) of the parent corporation, by an officer of the parent corporation, or by any combination thereof.”

(2) Section 1563(c)(2)(B) is amended—

78 Stat. 120.
26 USC 1563.

(A) by striking out “a person who is an individual, estate, or trust (referred to in this paragraph as ‘common owner’) owns” and inserting in lieu thereof “5 or fewer persons who are individuals, estates, or trusts (referred to in this subparagraph as ‘common owners’) own”;

(B) by striking out “or” at the end of clause (i);

(C) by striking out in clause (ii) “such common owner”, “the common owner”, and “stock.” and inserting in lieu thereof “any of such common owners”, “any of the common owners”, and “stock, or”, respectively; and

(D) by adding after clause (ii) the following new clause:

“(iii) stock in such corporation owned (within the meaning of subsection (d)(2)) by an organization to which section 501 (relating to certain educational and charitable organizations which are exempt from tax) applies and which is controlled directly or indirectly by such corporation, by an individual, estate, or trust that is a principal stockholder (within the meaning of subparagraph (A)(ii)) of such corporation, by an officer of such corporation, or by any combination thereof.”

68A Stat. 163.

(e) INVESTMENT CREDIT.—

76 Stat. 963.

(1) Section 46(a)(5) is amended to read as follows:
 “(5) CONTROLLED GROUPS.—In the case of a controlled group, the \$25,000 amount specified under paragraph (2) shall be reduced for each component member of such group by apportioning \$25,000 among the component members of such group in such manner as the Secretary or his delegate shall by regulations prescribe. For purposes of the preceding sentence, the term ‘controlled group’ has the meaning assigned to such term by section 1563(a).”

(2) Section 48(c)(2)(C) is amended to read as follows:

“(C) CONTROLLED GROUPS.—In the case of a controlled group, the \$50,000 amount specified under subparagraph (A) shall be reduced for each component member of the group by apportioning \$50,000 among the component members of such group in accordance with their respective amounts of used section 38 property which may be taken into account.”

(3) Section 48(c)(3)(C) is amended to read as follows:

“(C) CONTROLLED GROUP.—The term ‘controlled group’ has the meaning assigned to such term by section 1563(a), except that the phrase ‘more than 50 percent’ shall be substituted for the phrase ‘at least 80 percent’ each place it appears in section 1563(a)(1).”

(4) Section 48(d)(2) is amended to read as follows:

“(2) if such property is leased by a corporation which is a component member of a controlled group (within the meaning of section 46(a)(5)) to another corporation which is a component member of the same controlled group, the basis of such property to the lessor.”

Supra.

(f) ADDITIONAL FIRST-YEAR DEPRECIATION.—Section 179(d) is amended—

(1) by amending paragraph (2)(B) to read as follows:

“(B) the property is not acquired by one component member of a controlled group from another component member of the same controlled group, and”; and

72 Stat. 1679.

72 Stat. 1680.

(2) by amending paragraphs (6) and (7) to read as follows:

“(6) DOLLAR LIMITATION OF CONTROLLED GROUP.—For purposes of subsection (b) of this section—

“(A) all component members of a controlled group shall be treated as one taxpayer, and

“(B) the Secretary or his delegate shall apportion the dollar limitation contained in such subsection (b) among the component members of such controlled group in such manner as he shall by regulations prescribe.

“(7) CONTROLLED GROUP DEFINED.—For purposes of paragraphs (2) and (6), the term ‘controlled group’ has the meaning assigned to it by section 1563(a); except that, for such purposes, the phrase ‘more than 50 percent’ shall be substituted for the phrase ‘at least 80 percent’ each place it appears in section 1563(a)(1).”

Ante, p. 602.*Ante*, p. 600.

(g) RETROACTIVE TERMINATION OF SECTION 1562 ELECTIONS.—If an affiliated group of corporations makes a consolidated return for the taxable year which includes December 31, 1970 (hereinafter in this subsection referred to as “1970 consolidated return year”), then on or before the due date prescribed by law (including any extensions thereof) for filing such consolidated return such affiliated group of corporations may terminate the election under section 1562 of the Internal Revenue Code of 1954 with respect to any prior December 31 which is included in a taxable year of any of such corporations from which there is a net operating loss carryover to the 1970 consolidated return year. A termination of an election under this subsection shall be valid only if it meets the requirements of sections 1562(c)(1) and 1562(e) of such Code (other than making the termination before the expiration of the 3-year period specified in section 1562(e)).

(h) EFFECTIVE DATES.—

(1) The amendments made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1974.

(2) The amendments made by subsection (b) shall apply with respect to taxable years beginning after December 31, 1969.

(3) The amendments made by subsections (c), (d), (e), and (f) shall apply with respect to taxable years ending on or after December 31, 1970.

Subtitle B—Debt-Financed Corporate Acquisitions and Related Problems

SEC. 411. INTEREST ON INDEBTEDNESS INCURRED BY CORPORATION TO ACQUIRE STOCK OR ASSETS OF ANOTHER CORPORATION.

68A Stat. 76;
Ante, p. 573.
26 USC 261.

(a) DISALLOWANCE OF INTEREST DEDUCTION.—Part IX of subchapter B of chapter 1 (relating to items not deductible) is amended by adding at the end thereof the following new section:

“SEC. 279. INTEREST ON INDEBTEDNESS INCURRED BY CORPORATION TO ACQUIRE STOCK OR ASSETS OF ANOTHER CORPORATION.

“(a) GENERAL RULE.—No deduction shall be allowed for any interest paid or incurred by a corporation during the taxable year with respect to its corporate acquisition indebtedness to the extent that such interest exceeds—

“(1) \$5,000,000, reduced by

“(2) the amount of interest paid or incurred by such corporation during such year on obligations (A) issued after December 31, 1967, to provide consideration for an acquisition described in paragraph (1) of subsection (b), but (B) which are not corporate acquisition indebtedness.

“(b) CORPORATE ACQUISITION INDEBTEDNESS.—For purposes of this section, the term ‘corporate acquisition indebtedness’ means any obligation evidenced by a bond, debenture, note, or certificate or other evidence of indebtedness issued after October 9, 1969, by a corporation (hereinafter in this section referred to as ‘issuing corporation’) if—

“(1) such obligation is issued to provide consideration for the acquisition of—

“(A) stock in another corporation (hereinafter in this section referred to as ‘acquired corporation’), or

“(B) assets of another corporation (hereinafter in this section referred to as ‘acquired corporation’) pursuant to a plan under which at least two-thirds (in value) of all the assets (excluding money) used in trades and businesses carried on by such corporation are acquired,

“(2) such obligation is either—

“(A) subordinated to the claims of trade creditors of the issuing corporation generally, or

“(B) expressly subordinated in right of payment to the payment of any substantial amount of unsecured indebtedness, whether outstanding or subsequently issued, of the issuing corporation,

“(3) the bond or other evidence of indebtedness is either—

“(A) convertible directly or indirectly into stock of the issuing corporation, or

“(B) part of an investment unit or other arrangement which includes, in addition to such bond or other evidence of indebtedness, an option to acquire, directly or indirectly, stock in the issuing corporation, and

“(4) as of a day determined under subsection (c)(1), either—

“(A) the ratio of debt to equity (as defined in subsection (c)(2)) of the issuing corporation exceeds 2 to 1, or

“(B) the projected earnings (as defined in subsection (c)(3)) do not exceed 3 times the annual interest to be paid or incurred (determined under subsection (c)(4)).

“(c) RULES FOR APPLICATION OF SUBSECTION (b)(4).—For purposes of subsection (b)(4)—

“(1) TIME OF DETERMINATION.—Determinations are to be made as of the last day of any taxable year of the issuing corporation in which it issues any obligation to provide consideration for an acquisition described in subsection (b)(1) of stock in, or assets of, the acquired corporation.

“(2) RATIO OF DEBT TO EQUITY.—The term ‘ratio of debt to equity’ means the ratio which the total indebtedness of the issuing corporation bears to the sum of its money and all its other assets (in an amount equal to their adjusted basis for determining gain) less such total indebtedness.

“(3) PROJECTED EARNINGS.—

“(A) The term ‘projected earnings’ means the ‘average annual earnings’ (as defined in subparagraph (B)) of—

“(i) the issuing corporation only, if clause (ii) does not apply, or

“(ii) both the issuing corporation and the acquired corporation, in any case where the issuing corporation has acquired control (as defined in section 368(c)), or has acquired substantially all of the properties, of the acquired corporation.

“(B) The average annual earnings referred to in subparagraph (A) is, for any corporation, the amount of its earnings and profits for any 3-year period ending with the last day of a taxable year of the issuing corporation described in paragraph (1), computed without reduction for—

- “(i) interest paid or incurred,
- “(ii) depreciation or amortization allowed under this chapter,
- “(iii) liability for tax under this chapter, and
- “(iv) distributions to which section 301(c)(1) applies (other than such distributions from the acquired to the issuing corporation),

and reduced to an annual average for such 3-year period pursuant to regulations prescribed by the Secretary or his delegate. Such regulations shall include rules for cases where any corporation was not in existence for all of such 3-year period or such period includes only a portion of a taxable year of any corporation.

“(4) ANNUAL INTEREST TO BE PAID OR INCURRED.—The term ‘annual interest to be paid or incurred’ means—

“(A) if subparagraph (B) does not apply, the annual interest to be paid or incurred by the issuing corporation only, determined by reference to its total indebtedness outstanding, or

“(B) if projected earnings are determined under clause (ii) of paragraph (3)(A), the annual interest to be paid or incurred by both the issuing corporation and the acquired corporation, determined by reference to their combined total indebtedness outstanding.

“(5) SPECIAL RULES FOR BANKS AND LENDING OR FINANCE COMPANIES.—With respect to any corporation which is a bank (as defined in section 581) or is primarily engaged in a lending or finance business—

“(A) in determining under paragraph (2) the ratio of debt to equity of such corporation (or of the affiliated group of which such corporation is a member), the total indebtedness of such corporation (and the assets of such corporation) shall be reduced by an amount equal to the total indebtedness owed to such corporation which arises out of the banking business of such corporation, or out of the lending or finance business of such corporation, as the case may be;

“(B) in determining under paragraph (4) the annual interest to be paid or incurred by such corporation (or by the issuing and acquired corporations referred to in paragraph (4)(B) or by the affiliated group of which such corporation is a member) the amount of such interest (determined without regard to this paragraph) shall be reduced by an amount which bears the same ratio to the amount of such interest as the amount of the reduction for the taxable year under subparagraph (A) bears to the total indebtedness of such corporation; and

“(C) in determining under paragraph (3)(B) the average annual earnings, the amount of the earnings and profits for the 3-year period shall be reduced by the sum of the reductions under subparagraph (B) for such period.

For purposes of this paragraph, the term ‘lending or finance business’ means a business of making loans or purchasing or discounting accounts receivable, notes, or installment obligations.

“(d) TAXABLE YEARS TO WHICH APPLICABLE.—In applying this section—

“(1) FIRST YEAR OF DISALLOWANCE.—The deduction of interest on any obligation shall not be disallowed under subsection (a) before the first taxable year of the issuing corporation as of the last day of which the application of either subparagraph (A) or subparagraph (B) of subsection (b)(4) results in such obligation being corporate acquisition indebtedness.

“(2) GENERAL RULE FOR SUCCEEDING YEARS.—Except as provided in paragraphs (3), (4), and (5), if an obligation is determined to be corporate acquisition indebtedness as of the last day of any taxable year of the issuing corporation, it shall be corporate acquisition indebtedness for such taxable year and all subsequent taxable years.

“(3) REDETERMINATION WHERE CONTROL, ETC., IS ACQUIRED.—If an obligation is determined to be corporate acquisition indebtedness as of the close of a taxable year of the issuing corporation in which clause (i) of subsection (c)(3)(A) applied, but would not be corporate acquisition indebtedness if the determination were made as of the close of the first taxable year of such corporation thereafter in which clause (ii) of subsection (c)(3)(A) could apply, such obligation shall be considered not to be corporate acquisition indebtedness for such later taxable year and all taxable years thereafter.

“(4) SPECIAL 3-YEAR RULE.—If an obligation which has been determined to be corporate acquisition indebtedness for any taxable year would not be such indebtedness for each of any 3 consecutive taxable years thereafter if subsection (b)(4) were applied as of the close of each of such 3 years, then such obligation shall not be corporate acquisition indebtedness for all taxable years after such 3 consecutive taxable years.

“(5) 5 PERCENT STOCK RULE.—In the case of obligations issued to provide consideration for the acquisition of stock in another corporation, such obligations shall be corporate acquisition indebtedness for a taxable year only if at some time after October 9, 1969, and before the close of such year the issuing corporation owns 5 percent or more of the total combined voting power of all classes of stock entitled to vote of such other corporation.

“(e) CERTAIN NONTAXABLE TRANSACTIONS.—An acquisition of stock of a corporation of which the issuing corporation is in control (as defined in section 368(c)) in a transaction in which gain or loss is not recognized shall be deemed an acquisition described in paragraph (1) of subsection (b) only if immediately before such transaction (1) the acquired corporation was in existence, and (2) the issuing corporation was not in control (as defined in section 368(c)) of such corporation.

68A Stat. 120.
26 USC 368.

“(f) EXEMPTION FOR CERTAIN ACQUISITIONS OF FOREIGN CORPORATIONS.—For purposes of this section, the term ‘corporate acquisition indebtedness’ does not include any indebtedness issued to any person to provide consideration for the acquisition of stock in, or assets of, any foreign corporation substantially all of the income of which, for the 3-year period ending with the date of such acquisition or for such part of such period as the foreign corporation was in existence, is from sources without the United States.

“(g) AFFILIATED GROUPS.—In any case in which the issuing corporation is a member of an affiliated group, the application of this section shall be determined, pursuant to regulations prescribed by the Secretary or his delegate, by treating all of the members of the affiliated group in the aggregate as the issuing corporation, except that the ratio of debt to equity of, projected earnings of, and annual interest to be

paid or incurred by any corporation (other than the issuing corporation determined without regard to this subsection) shall be included in the determinations required under subparagraphs (A) and (B) of subsection (b)(4) as of any day only if such corporation is a member of the affiliated group on such day, and, in determining projected earnings of such corporation under subsection (c)(3), there shall be taken into account only the earnings and profits of such corporation for the period during which it was a member of the affiliated group. For purposes of the preceding sentence, the term 'affiliated group' has the meaning assigned to such term by section 1504(a), except that all corporations other than the acquired corporation shall be treated as includible corporations (without any exclusion under section 1504(b)) and the acquired corporation shall not be treated as an includible corporation.

(h) CHANGES IN OBLIGATION.—For purposes of this section—

“(1) Any extension, renewal, or refinancing of an obligation evidencing a preexisting indebtedness shall not be deemed to be the issuance of a new obligation.

“(2) Any obligation which is corporate acquisition indebtedness of the issuing corporation is also corporate acquisition indebtedness of any corporation which becomes liable for such obligation as guarantor, endorser, or indemnitor or which assumes liability for such obligation in any transaction.

(i) CERTAIN OBLIGATIONS ISSUED AFTER OCTOBER 9, 1969.—For purposes of this section, an obligation shall not be corporate acquisition indebtedness if issued after October 9, 1969, to provide consideration for the acquisition of—

“(1) stock or assets pursuant to a binding written contract which was in effect on October 9, 1969, and at all times thereafter before such acquisition, or

“(2) stock in any corporation where the issuing corporation, on October 9, 1969, and at all times thereafter before such acquisition, owned at least 50 percent of the total combined voting power of all classes of stock entitled to vote of the acquired corporation.

Paragraph (2) shall cease to apply when (at any time on or after October 9, 1969) the issuing corporation has acquired control (as defined in section 368(c)) of the acquired corporation.

(j) EFFECT ON OTHER PROVISIONS.—No inference shall be drawn from any provision in this section that any instrument designated as a bond, debenture, note, or certificate or other evidence of indebtedness by its issuer represents an obligation or indebtedness of such issuer in applying any other provision of this title.”

(b) CLERICAL AMENDMENT.—The table of sections for part IX of subchapter B of chapter 1 is amended by adding at the end thereof the following new item:

“Sec. 279. Interest on indebtedness incurred by corporation to acquire stock or assets of another corporation.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to the determination of the allowability of the deduction of interest paid or incurred with respect to indebtedness incurred after October 9, 1969.

SEC. 412. INSTALLMENT METHOD.

(a) CERTAIN EVIDENCES OF INDEBTEDNESS DEEMED TO BE PAYMENT.—Section 453(b) (relating to sales of realty and casual sales of personality) is amended by adding at the end thereof the following new paragraph:

“(3) PURCHASER EVIDENCES OF INDEBTEDNESS PAYABLE ON DEMAND OR READILY TRADEABLE.—In applying this subsection, a bond or other

evidence of indebtedness which is payable on demand, or which is issued by a corporation or a government or political subdivision thereof (A) with interest coupons attached or in registered form (other than one in registered form which the taxpayer establishes will not be readily tradable in an established securities market), or (B) in any other form designed to render such bond or other evidence of indebtedness readily tradable in an established securities market, shall not be treated as an evidence of indebtedness of the purchaser."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to sales or other dispositions occurring after May 27, 1969, which are not made pursuant to a binding written contract entered into on or before such date.

SEC. 413. BONDS AND OTHER EVIDENCES OF INDEBTEDNESS.

(a) BONDS AND OTHER EVIDENCES OF INDEBTEDNESS.—Section 1232 (a) (relating to general rule) is amended to read as follows:

"(a) GENERAL RULE.—For purposes of this subtitle, in the case of bonds, debentures, notes, or certificates or other evidences of indebtedness, which are capital assets in the hands of the taxpayer, and which are issued by any corporation, or by any government or political subdivision thereof—

"(1) RETIREMENT.—Amounts received by the holder on retirement of such bonds or other evidences of indebtedness shall be considered as amounts received in exchange therefor (except that in the case of bonds or other evidences of indebtedness issued before January 1, 1955, this paragraph shall apply only to those issued with interest coupons or in registered form, or to those in such form on March 1, 1954).

"(2) SALE OR EXCHANGE.—

"(A) CORPORATE BONDS ISSUED AFTER MAY 27, 1969.—Except as provided in subparagraph (C), on the sale or exchange of bonds or other evidences of indebtedness issued by a corporation after May 27, 1969, held by the taxpayer more than 6 months, any gain realized shall (except as provided in the following sentence) be considered gain from the sale or exchange of a capital asset held for more than 6 months. If at the time of original issue there was an intention to call the bond or other evidence of indebtedness before maturity, any gain realized on the sale or exchange thereof which does not exceed an amount equal to the original issue discount (as defined in subsection (b)) reduced by the portion of original issue discount previously includible in the gross income of any holder (as provided in paragraph (3)(B)) shall be considered as gain from the sale or exchange of property which is not a capital asset.

"(B) CORPORATE BONDS ISSUED ON OR BEFORE MAY 27, 1969, AND GOVERNMENT BONDS.—Except as provided in subparagraph (C), on the sale or exchange of bonds or other evidences of indebtedness issued by a government or political subdivision thereof after December 31, 1954, or by a corporation after December 31, 1954, and on or before May 27, 1969, held by the taxpayer more than 6 months, any gain realized which does not exceed—

"(i) an amount equal to the original issue discount (as defined in subsection (b)), or

"(ii) if at the time of original issue there was no intention to call the bond or other evidence of indebtedness

68A Stat. 326.
26 USC 1232.

before maturity, an amount which bears the same ratio to the original issue discount (as defined in subsection (b)) as the number of complete months that the bond or other evidence of indebtedness was held by the taxpayer bears to the number of complete months from the date of original issue to the date of maturity, shall be considered as gain from the sale or exchange of property which is not a capital asset. Gain in excess of such amount shall be considered gain from the sale or exchange of a capital asset held more than 6 months.

“(C) EXCEPTIONS.—This paragraph shall not apply to—

“(i) obligations the interest on which is not includible in gross income under section 103 (relating to certain governmental obligations), or

“(ii) any holder who has purchased the bond or other evidence of indebtedness at a premium.

“(D) DOUBLE INCLUSION IN INCOME NOT REQUIRED.—This section shall not require the inclusion of any amount previously includible in gross income.

“(3) INCLUSION IN INCOME OF ORIGINAL ISSUE DISCOUNT ON CORPORATE BONDS ISSUED AFTER MAY 27, 1969.—

“(A) GENERAL RULE.—There shall be included in the gross income of the holder of any bond or other evidence of indebtedness issued by a corporation after May 27, 1969, the ratable monthly portion of original issue discount multiplied by the number of complete months (plus any fractional part of a month determined in accordance with the last sentence of this subparagraph) such holder held such bond or other evidence of indebtedness during the taxable year. Except as provided in subparagraph (B), the ratable monthly portion of original issue discount shall equal the original issue discount (as defined in subsection (b)) divided by the number of complete months from the date of original issue to the stated maturity date of such bond or other evidence of indebtedness. For purposes of this section, a complete month commences with the date of original issue and the corresponding day of each succeeding calendar month (or the last day of a calendar month in which there is no corresponding day); and, in any case where a bond or other evidence of indebtedness is acquired on any other day, the ratable monthly portion of original issue discount for the complete month in which such acquisition occurs shall be allocated between the transferor and the transferee in accordance with the number of days in such complete month each held the bond or other evidence of indebtedness.

“(B) REDUCTION IN CASE OF ANY SUBSEQUENT HOLDER.—For purposes of this paragraph, the ratable monthly portion of original issue discount shall not include an amount, determined at the time of any purchase after the original issue of such bond or other evidence of indebtedness, equal to the excess of—

“(i) the cost of such bond or other evidence of indebtedness incurred by such holder, over

“(ii) the issue price of such bond or other evidence of indebtedness increased by the portion of original discount previously includible in the gross income of any holder (computed without regard to this subparagraph),

divided by the number of complete months (plus any fractional part of a month commencing with the date of purchase) from the date of such purchase to the stated maturity date of such bond or other evidence of indebtedness.

(C) PURCHASE DEFINED.—For purposes of subparagraph (B), the term ‘purchase’ means any acquisition of a bond or other evidence of indebtedness, but only if the basis of the bond or other evidence of indebtedness is not determined in whole or in part by reference to the adjusted basis of such bond or other evidence of indebtedness in the hands of the person from whom acquired, or under section 1014(a) (relating to property acquired from a decedent).

(D) EXCEPTIONS.—This paragraph shall not apply to any holder—

“(i) who has purchased the bond or other evidence of indebtedness at a premium, or

“(ii) which is a life insurance company to which section 818(b) applies.

(E) BASIS ADJUSTMENTS.—The basis of any bond or other evidence of indebtedness in the hands of the holder thereof shall be increased by the amount included in his gross income pursuant to subparagraph (A).²⁶

(b) ISSUE PRICE.—Section 1232(b)(2) (relating to issue price) is amended by adding at the end thereof the following:

“In the case of a bond or other evidence of indebtedness and an option or other security issued together as an investment unit, the issue price for such investment unit shall be determined in accordance with the rules stated in this paragraph. Such issue price attributable to each element of the investment unit shall be that portion thereof which the fair market value of such element bears to the total fair market value of all the elements in the investment unit. The issue price of the bond or other evidence of indebtedness included in such investment unit shall be the portion so allocated to it. In the case of a bond or other evidence of indebtedness, or an investment unit as described in this paragraph (other than a bond or other evidence of indebtedness or an investment unit issued pursuant to a plan of reorganization within the meaning of section 368(a)(1) or an insolvency reorganization within the meaning of section 371, 373, or 374), which is issued for property and which—

“(A) is part of an issue a portion of which is traded on an established securities market, or

“(B) is issued for stock or securities which are traded on an established securities market,

the issue price of such bond or other evidence of indebtedness or investment unit, as the case may be, shall be the fair market value of such property. Except in cases to which the preceding sentence applies, the issue price of a bond or other evidence of indebtedness (whether or not issued as a part of an investment unit) which is issued for property (other than money) shall be the stated redemption price at maturity.”²⁷

(c) REQUIREMENT OF REPORTING.—Section 6049(a)(1) (relating to requirements of reporting interest) is amended to read as follows:

“(1) IN GENERAL.—Every person—

“(A) who makes payments of interest (as defined in subsection (b)) aggregating \$10 or more to any other person during any calendar year,

68A Stat. 296.
26 USC 1014.

73 Stat. 133.

68A Stat. 326;
78 Stat. 845.

26 USC 368.
68A Stat. 121,
123.
70 Stat. 402.

76 Stat. 1056.

“(B) who receives payments of interest as a nominee and who makes payments aggregating \$10 or more during any calendar year to any other person with respect to the interest so received, or

“(C) which is a corporation that has outstanding any bond, debenture, note, or certificate or other evidence of indebtedness in registered form as to which there is during any calendar year an amount of original issue discount aggregating \$10 or more includible in the gross income of any holder under section 1232(a)(3) without regard to subparagraph (B) thereof,

shall make a return according to the forms or regulations prescribed by the Secretary or his delegate, setting forth the aggregate amount of such payments and such aggregate amount includible in the gross income of any holder and the name and address of the person to whom paid or such holder.”

(d) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—Section 6049(c) (relating to statements to be furnished to persons with respect to whom information is furnished) is amended to read as follows:

“(c) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—Every person making a return under subsection (a)(1) shall furnish to each person whose name is set forth in such return a written statement showing—

“(1) the name and address of the person making such return, and

“(2) the aggregate amount of payments to, or the aggregate amount includible in the gross income of, the person as shown on such return.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a)(1) was made. No statement shall be required to be furnished to any person under this subsection if the aggregate amount of payments to, or the aggregate amount includible in the gross income of, such person shown on the return made with respect to subparagraph (A), (B), or (C), as the case may be, of subsection (a)(1) is less than \$10.”

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to bonds and other evidences of indebtedness issued after May 27, 1969 (other than evidences of indebtedness issued pursuant to a written commitment which was binding on May 27, 1969, and at all times thereafter).

SEC. 414. LIMITATION ON DEDUCTION OF BOND PREMIUM ON REPURCHASE.

(a) LIMITATION ON DEDUCTION OF BOND PREMIUM ON REPURCHASE.—Part VIII of subchapter B of chapter 1 (relating to special deductions for corporations) is amended by adding at the end thereof the following new section:

“SEC. 249. LIMITATION ON DEDUCTION OF BOND PREMIUM ON REPURCHASE.

“(a) GENERAL RULE.—No deduction shall be allowed to the issuing corporation for any premium paid or incurred upon the repurchase of a bond, debenture, note, or certificate or other evidence of indebtedness which is convertible into the stock of the issuing corporation, or a corporation in control of, or controlled by, the issuing corporation, to the extent the repurchase price exceeds an amount equal to the adjusted issue price plus a normal call premium on bonds or other evidences of

indebtedness which are not convertible. The preceding sentence shall not apply to the extent that the corporation can demonstrate to the satisfaction of the Secretary or his delegate that such excess is attributable to the cost of borrowing and is not attributable to the conversion feature.

(b) SPECIAL RULES.—For purposes of subsection (a)—

“(1) ADJUSTED ISSUE PRICE.—The adjusted issue price is the issue price (as defined in section 1232(b)) increased by any amount of discount deducted before repurchase, or, in the case of bonds or other evidences of indebtedness issued after February 28, 1913, decreased by any amount of premium included in gross income before repurchase by the issuing corporation.

Ante, p. 611.

“(2) CONTROL.—The term ‘control’ has the meaning assigned to such term by section 368(c).”

68A Stat. 120.
26 USC 368.

(b) CLERICAL AMENDMENT.—The table of sections for part VIII of subchapter B of chapter 1 is amended by adding at the end thereof the following new item:

“Sec. 249. Limitation on deduction of bond premium on repurchase.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to a convertible bond or other convertible evidence of indebtedness repurchased after April 22, 1969, other than such a bond or other evidence of indebtedness repurchased pursuant to a binding obligation incurred on or before April 22, 1969, to repurchase such bond or other evidence of indebtedness at a specified call premium, but no inference shall be drawn from the fact that section 249 of the Internal Revenue Code of 1954 (as added by subsection (a) of this section) does not apply to the repurchase of such convertible bond or other convertible evidence of indebtedness.

Ante, p. 612.

SEC. 415. TREATMENT OF CERTAIN CORPORATE INTERESTS AS STOCK OR INDEBTEDNESS.

(a) IN GENERAL.—Subchapter C of Chapter 1 (relating to corporate distributions and adjustments) is amended by redesignating part VI (relating to effective date of subchapter C) as part VII and by inserting after part V the following new part:

68A Stat. 131.
26 USC 391.

“Part VI—Treatment of Certain Corporate Interests as Stock or Indebtedness

“Sec. 385. Treatment of certain interests in corporations as stock or indebtedness.

“SEC. 385. TREATMENT OF CERTAIN INTERESTS IN CORPORATIONS AS STOCK OR INDEBTEDNESS.

“(a) AUTHORITY TO PRESCRIBE REGULATIONS.—The Secretary or his delegate is authorized to prescribe such regulations as may be necessary or appropriate to determine whether an interest in a corporation is to be treated for purposes of this title as stock or indebtedness.

“(b) FACTORS.—The regulations prescribed under this section shall set forth factors which are to be taken into account in determining with respect to a particular factual situation whether a debtor-creditor relationship exists or a corporation-shareholder relationship exists. The factors so set forth in the regulations may include among other factors:

“(1) whether there is a written unconditional promise to pay on demand or on a specified date a sum certain in money in return for an adequate consideration in money or money’s worth, and to pay a fixed rate of interest,

- “(2) whether there is subordination to or preference over any indebtedness of the corporation,
- “(3) the ratio of debt to equity of the corporation,
- “(4) whether there is convertibility into the stock of the corporation, and
- “(5) the relationship between holdings of stock in the corporation and holdings of the interest in question.”

(b) CLERICAL AMENDMENT.—The table of parts for subchapter C of chapter 1 is amended by striking out the last line and inserting in lieu thereof the following:

“Part VI. Treatment of certain corporate interests as stock or indebtedness.

“Part VII. Effective date of subchapter C.”

Subtitle C—Stock Dividends

SEC. 421. STOCK DIVIDENDS.

68A Stat. 90.
26 USC 305.

(a) IN GENERAL.—Section 305 (relating to distributions of stock and stock rights) is amended to read as follows:

“SEC. 305. DISTRIBUTIONS OF STOCK AND STOCK RIGHTS.

“(a) GENERAL RULE.—Except as otherwise provided in this section, gross income does not include the amount of any distribution of the stock of a corporation made by such corporation to its shareholders with respect to its stock.

“(b) EXCERPTIONS.—Subsection (a) shall not apply to a distribution by a corporation of its stock, and the distribution shall be treated as a distribution of property to which section 301 applies—

“(1) DISTRIBUTIONS IN LIEU OF MONEY.—If the distribution is, at the election of any of the shareholders (whether exercised before or after the declaration thereof), payable either—

- “(A) in its stock, or
- “(B) in property.

“(2) DISPROPORTIONATE DISTRIBUTIONS.—If the distribution (or a series of distributions of which such distribution is one) has the result of—

- “(A) the receipt of property by some shareholders, and
- “(B) an increase in the proportionate interests of other shareholders in the assets or earnings and profits of the corporation.

“(3) DISTRIBUTIONS OF COMMON AND PREFERRED STOCK.—If the distribution (or a series of distributions of which such distribution is one) has the result of—

- “(A) the receipt of preferred stock by some common shareholders, and

- “(B) the receipt of common stock by other common shareholders.

“(4) DISTRIBUTIONS ON PREFERRED STOCK.—If the distribution is with respect to preferred stock, other than an increase in the conversion ratio of convertible preferred stock made solely to take account of a stock dividend or stock split with respect to the stock into which such convertible stock is convertible.

“(5) DISTRIBUTIONS OF CONVERTIBLE PREFERRED STOCK.—If the distribution is of convertible preferred stock, unless it is established to the satisfaction of the Secretary or his delegate that such distribution will not have the result described in paragraph (2).

“(c) CERTAIN TRANSACTIONS TREATED AS DISTRIBUTIONS.—For purposes of this section and section 301, the Secretary or his delegate shall prescribe regulations under which a change in conversion ratio,

a change in redemption price, a difference between redemption price and issue price, a redemption which is treated as a distribution to which section 301 applies, or any transaction (including a recapitalization) having a similar effect on the interest of any shareholder shall be treated as a distribution with respect to any shareholder whose proportionate interest in the earnings and profits or assets of the corporation is increased by such change, difference, redemption, or similar transaction.

68A Stat. 84.
26 USC 301.

“(d) DEFINITIONS.—

“(1) **RIGHTS TO ACQUIRE STOCK.**—For purposes of this section, the term ‘stock’ includes rights to acquire such stock.

“(2) **SHAREHOLDERS.**—For purposes of subsections (b) and (c), the term ‘shareholder’ includes a holder of rights or of convertible securities.

“(e) CROSS REFERENCES.—

“For special rules—

“(1) **Relating to the receipt of stock and stock rights in corporate organizations and reorganizations, see part III (sec. 351 and following).**

“(2) **In the case of a distribution which results in a gift, see section 2501 and following.**

“(3) **In the case of a distribution which has the effect of the payment of compensation, see section 61(a)(1).**”

(b) EFFECTIVE DATES.—

(1) Except as otherwise provided in this subsection, the amendment made by subsection (a) shall apply with respect to distributions (or deemed distributions) made after January 10, 1969, in taxable years ending after such date.

(2) (A) Section 305(b)(2) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall not apply to a distribution (or deemed distribution) of stock made before January 1, 1991, with respect to stock (i) outstanding on January 10, 1969, (ii) issued pursuant to a contract binding on January 10, 1969, on the distributing corporation, (iii) which is additional stock of that class of stock which (as of January 10, 1969) had the largest fair market value of all classes of stock of the corporation (taking into account only stock outstanding on January 10, 1969, or issued pursuant to a contract binding on January 10, 1969), (iv) described in subparagraph (C)(iii), or (v) issued in a prior distribution described in clause (i), (ii), (iii), or (iv).

(B) Subparagraph (A) shall apply only if—

(i) the stock as to which there is a receipt of property was outstanding on January 10, 1969 (or was issued pursuant to a contract binding on January 10, 1969, on the distributing corporation), and

(ii) if such stock and any stock described in subparagraph (A)(i) were also outstanding on January 10, 1968, a distribution of property was made on or before January 10, 1969, with respect to such stock, and a distribution of stock was made on or before January 10, 1969, with respect to such stock described in subparagraph (A)(i).

(C) Subparagraph (A) shall cease to apply when at any time after October 9, 1969, the distributing corporation issues any of its stock (other than in a distribution of stock with respect to stock of the same class) which is not—

(i) nonconvertible preferred stock,

(ii) additional stock of that class of stock which meets the requirements of subparagraph (A)(iii), or

(iii) preferred stock which is convertible into stock which meets the requirements of subparagraph (A)(iii) at a fixed conversion ratio which takes account of all stock dividends and stock splits with respect to the stock into which such convertible stock is convertible.

(D) For purposes of this paragraph, the term "stock" includes rights to acquire such stock.

(3) In cases to which Treasury Decision 6990 (promulgated January 10, 1969) would not have applied, in applying paragraphs (1) and (2) April 22, 1969, shall be substituted for January 10, 1969.

Ante, p. 614.

(4) Section 305(b)(4) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall not apply to any distribution (or deemed distribution) with respect to preferred stock (including any increase in the conversion ratio of convertible stock) made before January 1, 1991, pursuant to the terms relating to the issuance of such stock which were in effect on January 10, 1969.

(5) With respect to distributions made or considered as made after January 10, 1969, in taxable years ending after such date, to the extent that the amendment made by subsection (a) does not apply by reason of paragraph (2), (3), or (4) of this subsection, section 305 of the Internal Revenue Code of 1954 (as in effect before the amendment made by subsection (a)) shall continue to apply.

Subtitle D—Financial Institutions

SEC. 431. RESERVE FOR LOSSES ON LOANS; NET OPERATING LOSS CARRYBACKS.

68A Stat. 202.
26 USC 581-
584.

26 USC 581.
Post, pp. 620,
622.

68A Stat. 50.

(a) **BAD DEBT DEDUCTIONS OF FINANCIAL INSTITUTIONS.**—Part I of subchapter H of chapter 1 (relating to rules of general application to banking institutions) is amended by adding at the end thereof the following new sections:

“SEC. 585. RESERVES FOR LOSSES ON LOANS OF BANKS.

“(a) **INSTITUTIONS TO WHICH SECTION APPLIES.**—This section shall apply to the following financial institutions:

“(1) any bank (as defined in section 581) other than an organization to which section 593 applies, and

“(2) any corporation to which paragraph (1) would apply except for the fact that it is a foreign corporation, and in the case of any such foreign corporation this section shall apply only with respect to loans outstanding the interest on which is effectively connected with the conduct of a banking business within the United States.

“(b) **ADDITION TO RESERVES FOR BAD DEBTS.**—

“(1) **GENERAL RULE.**—For purposes of section 166(c), the reasonable addition to the reserve for bad debts of any financial institution to which this section applies shall be an amount determined by the taxpayer which shall not exceed the greater of—

“(A) for taxable years beginning before 1988 the addition to the reserve for losses on loans determined under the percentage method as provided in paragraph (2), or

“(B) the addition to the reserve for losses on loans determined under the experience method as provided in paragraph (3).

“(2) **PERCENTAGE METHOD.**—The amount determined under this paragraph for a taxable year shall be the amount necessary to increase the balance of the reserve for losses on loans (at the close

of the taxable year) to the allowable percentage of eligible loans outstanding at such time, except that—

“(A) If the reserve for losses on loans at the close of the base year is less than the allowable percentage of eligible loans outstanding at such time, the amount determined under this paragraph with respect to the difference shall not exceed one-fifth of such difference.

“(B) If the reserve for losses on loans at the close of the base year is not less than the allowable percentage of eligible loans outstanding at such time, the amount determined under this paragraph shall be the amount necessary to increase the balance of the reserve at the close of the taxable year to (i) the allowable percentage of eligible loans outstanding at such time, or (ii) the balance of the reserve at the close of the base year, whichever is greater, but if the amount of eligible loans outstanding at the close of the taxable year is less than the amount of such loans outstanding at the close of the base year, the amount determined under clause (ii) shall be the amount necessary to increase the balance of the reserve at the close of the taxable year to the amount which bears the same ratio to eligible loans outstanding at the close of the taxable year as the balance of the reserve at the close of the base year bears to the amount of eligible loans outstanding at the close of the base year.

For purposes of this paragraph, the term ‘allowable percentage’ means 1.8 percent for taxable years beginning before 1976; 1.2 percent for taxable years beginning after 1975 but before 1982; and 0.6 percent for taxable years beginning after 1981. The amount determined under this paragraph shall not exceed 0.6 percent of eligible loans outstanding at the close of the taxable year or an amount sufficient to increase the reserve for losses on loans to 0.6 percent of eligible loans outstanding at the close of the taxable year, whichever is greater. For purposes of this paragraph, the term ‘base year’ means: for taxable years beginning before 1976, the last taxable year beginning on or before July 11, 1969, for taxable years beginning after 1975 but before 1982, the last taxable year beginning before 1976, and for taxable years beginning after 1981, the last taxable year beginning before 1982; except that for purposes of subparagraph (A) such term means the last taxable year before the most recent adoption of the percentage method, if later.

“(3) EXPERIENCE METHOD.—The amount determined under this paragraph for a taxable year shall be the amount necessary to increase the balance of the reserve for losses on loans (at the close of the taxable year) to the greater of—

“(A) the amount which bears the same ratio to loans outstanding at the close of the taxable year as (i) the total bad debts sustained during the taxable year and the 5 preceding taxable years (or, with the approval of the Secretary or his delegate, a shorter period), adjusted for recoveries of bad debts during such period, bears to (ii) the sum of the loans outstanding at the close of such 6 or fewer taxable years, or

“(B) the lower of—

“(i) the balance of the reserve at the close of the base year, or

“(ii) if the amount of loans outstanding at the close of the taxable year is less than the amount of loans outstanding at the close of the base year, the amount which bears the same ratio to loans outstanding at the close of the taxable

year as the balance of the reserve at the close of the base year bears to the amount of loans outstanding at the close of the base year.

For purposes of this paragraph, the base year shall be the last taxable year before the most recent adoption of the experience method, except that for taxable years beginning after 1987 the base year shall be the last taxable year beginning before 1988.

"(4) REGULATIONS; DEFINITION OF ELIGIBLE LOAN, ETC.—The Secretary or his delegate shall define the terms 'loan' and 'eligible loan' and prescribe such regulations as may be necessary to carry out the purposes of this section; except that the term 'eligible loan' shall not include—

- “(A) a loan to a bank (as defined in section 581),
- “(B) a loan to a domestic branch of a foreign corporation to which subsection (a)(2) applies,
- “(C) a loan secured by a deposit (i) in the lending bank, or (ii) in an institution described in subparagraph (A) or (B) if the lending bank has control over withdrawal of such deposit,
- “(D) a loan to or guaranteed by the United States, a possession or instrumentality thereof, or a State or a political subdivision thereof,
- “(E) a loan evidenced by a security as defined in section 165(g)(2)(C),
- “(F) a loan of Federal funds, and
- “(G) commercial paper, including short-term promissory notes which may be purchased on the open market.

“SEC. 586. RESERVES FOR LOSSES ON LOANS OF SMALL BUSINESS INVESTMENT COMPANIES, ETC.

“(a) INSTITUTIONS TO WHICH SECTION APPLIES.—This section shall apply to the following financial institutions:

- “(1) any small business investment company operating under the Small Business Investment Act of 1958, and
- “(2) any business development corporation.

For purposes of this section, the term 'business development corporation' means a corporation which was created by or pursuant to an act of a State legislature for purposes of promoting, maintaining, and assisting the economy and industry within such State on a regional or statewide basis by making loans to be used in trades and businesses which would generally not be made by banks (as defined in section 581) within such region or State in the ordinary course of their business (except on the basis of a partial participation), and which is operated primarily for such purposes.

“(b) ADDITION TO RESERVES FOR BAD DEBTS.—

“(1) GENERAL RULE.—For purposes of section 166(c), except as provided in paragraph (2) the reasonable addition to the reserve for bad debts of any financial institution to which this section applies shall be an amount determined by the taxpayer which shall not exceed the amount necessary to increase the balance of the reserve for bad debts (at the close of the taxable year) to the greater of—

“(A) the amount which bears the same ratio to loans outstanding at the close of the taxable year as (i) the total bad debts sustained during the taxable year and the 5 preceding taxable years (or, with the approval of the Secretary or his delegate, a shorter period), adjusted for recoveries of bad debts during such period, bears to (ii) the sum of the loans outstanding at the close of such 6 or fewer taxable years, or

68A Stat. 202.
26 USC 581.

26 USC 165.

72 Stat. 689.
15 USC 661
note.

68A Stat. 50.

“(B) the lower of—

“(i) the balance of the reserve at the close of the base year, or

“(ii) if the amount of loans outstanding at the close of the taxable year is less than the amount of loans outstanding at the close of the base year, the amount which bears the same ratio to loans outstanding at the close of the taxable year as the balance of the reserve at the close of the base year bears to the amount of loans outstanding at the close of the base year.

For purposes of this subparagraph, the term ‘base year’ means the last taxable year beginning on or before July 11, 1969.

“(2) NEW FINANCIAL INSTITUTIONS.—In the case of any taxable year beginning not more than 10 years after the day before the first day on which a financial institution (or any predecessor) was authorized to do business as a financial institution described in subsection (a), the reasonable addition to the reserve for bad debts of such financial institution shall not exceed the larger of the amount determined under paragraph (1) or the amount necessary to increase the balance of the reserve for bad debts at the close of the taxable year to the amount which bears the same ratio (as determined by the Secretary or his delegate) to loans outstanding at the close of the taxable year as (i) the total bad debts sustained by all institutions described in the applicable paragraph of subsection (a) during the 6 preceding taxable years (adjusted for recoveries of bad debts during such period), bears to (ii) the sum of the loans by all such institutions outstanding at the close of such taxable years.”

(b) 10-YEAR NET OPERATING LOSS CARRYBACK.—Section 172(b)(1) (relating to net operating loss deduction) is amended by striking out in subparagraph (A)(i) thereof “and (E)” and inserting in lieu thereof “(E), (F), and (G)”, and by adding at the end thereof the following new subparagraphs:

“(F) In the case of a financial institution to which section 585, 586, or 593 applies, a net operating loss for any taxable year beginning after December 31, 1975, shall be a net operating loss carryback to each of the 10 taxable years preceding the taxable year of such loss and shall be a net operating loss carryover to each of the 5 taxable years following the taxable year of such loss.

“(G) In the case of a Bank for Cooperatives (organized and chartered pursuant to section 2 of the Farm Credit Act of 1933 (12 U.S.C. 1134)), a net operating loss for any taxable year beginning after December 31, 1969, shall be a net operating loss carryback to each of the 10 taxable years preceding the taxable year of such loss and shall be a net operating loss carryover to each of the 5 taxable years following the taxable year of such loss.”

(c) TECHNICAL AND CLERICAL AMENDMENTS.—

(1) Subsection (h) of section 166 (relating to bad debts) is amended by adding at the end thereof the following new paragraph:

“(4) For special rule for bad debt reserves of banks, small business investment companies, etc., see sections 585 and 586.”

68A Stat. 63;
76 Stat. 889;
81 Stat. 732.
26 USC 172.

Ante, p. 616.
Post, pp. 620,
622.

70 Stat. 664.

26 USC 166.

68A Stat. 202.

(2) The table of sections for part I of subchapter H of chapter 1 is amended—

(A) by striking out:

“Sec. 582. Bad debt and loss deduction with respect to securities held by banks.”

and inserting in lieu thereof:

“Sec. 582. Bad debts, losses, and gains with respect to securities held by financial institutions.”

(B) by adding at the end thereof the following:

“Sec. 585. Reserves for losses on loans of banks.

“Sec. 586. Reserves for losses on loans of small business investment companies, etc.”

(d) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (c) shall apply to taxable years beginning after July 11, 1969.**SEC. 432. MUTUAL SAVINGS BANKS, ETC.**76 Stat. 978.
26 USC 593.(a) **RESERVE FOR LOSSES ON LOANS.**—Section 593(b) (relating to addition to reserves for bad debts) is amended—

(1) by striking out subparagraph (A) of paragraph (1) and inserting in lieu thereof the following:

“(A) the amount determined to be a reasonable addition to the reserve for losses on nonqualifying loans, computed in the same manner as is provided with respect to additions to the reserves for losses on loans of banks under section 585(b)(3), plus”.

(2) by striking out paragraphs (2), (3), (4), and (5) and inserting in lieu thereof the following:

(2) **PERCENTAGE OF TAXABLE INCOME METHOD.**—“(A) **IN GENERAL.**—Subject to subparagraphs (B), (C), and (D), the amount determined under this paragraph for the taxable year shall be an amount equal to the applicable percentage of the taxable income for such year (determined under the following table) :

For a taxable year beginning in—	The applicable percentage under this paragraph shall be—
1969	60 percent.
1970	57 percent.
1971	54 percent.
1972	51 percent.
1973	49 percent.
1974	47 percent.
1975	45 percent.
1976	43 percent.
1977	42 percent.
1978	41 percent.
1979 or thereafter	40 percent.

(B) **REDUCTION OF APPLICABLE PERCENTAGE IN CERTAIN CASES.**—If, for the taxable year, the percentage of the assets of a taxpayer described in subsection (a), which are assets described in section 7701(a)(19)(C), is less than—(i) 82 percent of the total assets in the case of a taxpayer other than a mutual savings bank, the applicable percentage for such year provided by subparagraph (A) shall be reduced by $\frac{3}{4}$ of 1 percentage point for each 1 percentage point of such difference, or

(ii) 72 percent of the total assets in the case of a mutual savings bank, the applicable percentage for such

Post, p. 622.

year provided by subparagraph (A) shall be reduced by $\frac{1}{2}$ percentage points for each 1 percentage point of such difference.

If, for the taxable year, the percentage of the assets of such taxpayer which are assets described in section 7701(a)(19)(C) is less than 60 percent (50 percent for a taxable year beginning before 1973 in the case of a mutual savings bank), this paragraph shall not apply.

Post, p. 622.

“(C) REDUCTION FOR AMOUNTS REFERRED TO IN PARAGRAPH (1)(A).—The amount determined under subparagraph (A) shall be reduced by that portion of the amount referred to in paragraph (1)(A) for the taxable year (not in excess of 100 percent) which bears the same ratio to such amount as (i) 18 percent (28 percent in the case of mutual savings banks) bears to (ii) the percentage of the assets of the taxpayer for such year which are not assets described in section 7701(a)(19)(C).

“(D) OVERALL LIMITATION ON PARAGRAPH.—The amount determined under this paragraph shall not exceed the amount necessary to increase the balance at the close of the taxable year of the reserve for losses on qualifying real property loans to 6 percent of such loans outstanding at such time.

“(E) COMPUTATION OF TAXABLE INCOME.—For purposes of this paragraph, taxable income shall be computed—

“(i) by excluding from gross income any amount included therein by reason of subsection (f),

“(ii) without regard to any deduction allowable for any addition to the reserve for bad debts,

“(iii) by excluding from gross income an amount equal to the net gain for the taxable year arising from the sale or exchange of stock of a corporation or of obligations the interest on which is excludable from gross income under section 103,

“(iv) by excluding from gross income an amount equal to the lesser of $\frac{3}{8}$ of the net long-term capital gain for the taxable year or $\frac{3}{8}$ of the net long-term capital gain for the taxable year from the sale or exchange of property other than property described in clause (iii), and

“(v) by excluding from gross income dividends with respect to which a deduction is allowable by part VIII of subchapter B, reduced by an amount equal to the applicable percentage (determined under subparagraphs (A) and (B)) of the dividends received deduction (determined without regard to section 596) for the taxable year.

Post, p. 656.

“(3) PERCENTAGE METHOD.—The amount determined under this paragraph to be a reasonable addition to the reserve for losses on qualifying real property loans shall be computed in the same manner as is provided with respect to additions to the reserves for losses on loans of banks under section 585(b)(2), reduced by the amount referred to in paragraph (1)(A) for the taxable year.

Ante, p. 616.

“(4) EXPERIENCE METHOD.—The amount determined under this paragraph for the taxable year shall be computed in the same manner as is provided with respect to additions to the reserves for losses on loans of banks under section 585(b)(3).

“(5) DETERMINATION OF RESERVE FOR PERCENTAGE METHOD.—For purposes of paragraph (3), the amount deemed to be the balance of the reserve for losses on loans at the beginning of the

taxable year shall be the total of the balances at such time of the reserve for losses on nonqualifying loans, the reserve for losses on qualifying real property loans, and the supplemental reserve for losses on loans."

76 Stat. 981.
26 USC 593.

26 USC 381.

76 Stat. 982.

48 Stat. 1255.

77 Stat. 7.

63 Stat. 414;
82 Stat. 518.
42 USC 1450-
1469c.
80 Stat. 1256.
42 USC 3303.

(b) CERTAIN CORPORATE ACQUISITIONS.—Section 593(f)(1) (relating to distributions to shareholders) is amended by adding at the end thereof the following new sentence: "This paragraph shall not apply to any transaction to which section 381 (relating to carryovers in certain corporate acquisitions) applies."

(c) INVESTMENT STANDARDS.—Section 7701(a)(19) (defining domestic building and loan association) is amended to read as follows:

"(19) DOMESTIC BUILDING AND LOAN ASSOCIATION.—The term 'domestic building and loan association' means a domestic building and loan association, a domestic savings and loan association, and a Federal savings and loan association—

"(A) which either (i) is an insured institution within the meaning of section 401(a) of the National Housing Act (12 U.S.C. sec. 1724(a)), or (ii) is subject by law to supervision and examination by State or Federal authority having supervision over such associations;

"(B) the business of which consists principally of acquiring the savings of the public and investing in loans; and

"(C) at least 60 percent of the amount of the total assets of which (at the close of the taxable year) consists of—

"(i) cash,

"(ii) obligations of the United States or of a State or political subdivision thereof, and stock or obligations of a corporation which is an instrumentality of the United States or of a State or political subdivision thereof, but not including obligations the interest on which is excludable from gross income under section 103,

"(iii) certificates of deposit in, or obligations of, a corporation organized under a State law which specifically authorizes such corporation to insure the deposits or share accounts of member associations,

"(iv) loans secured by a deposit or share of a member,

"(v) loans (including redeemable ground rents, as defined in section 1055) secured by an interest in real property which is (or, from the proceeds of the loan, will become) residential real property or real property used primarily for church purposes, loans made for the improvement of residential real property or real property used primarily for church purposes, provided that for purposes of this clause, residential real property shall include single or multifamily dwellings, facilities in residential developments dedicated to public use or property used on a nonprofit basis for residents, and mobile homes not used on a transient basis,

"(vi) loans secured by an interest in real property located within an urban renewal area to be developed for predominantly residential use under an urban renewal plan approved by the Secretary of Housing and Urban Development under part A or part B of title I of the Housing Act of 1949, as amended, or located within any area covered by a program eligible for assistance under section 103 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended, and loans made for the improvement of any such real property,

“(vii) loans secured by an interest in educational, health, or welfare institutions or facilities, including structures designed or used primarily for residential purposes for students, residents, and persons under care, employees, or members of the staff of such institutions or facilities,

“(viii) property acquired through the liquidation of defaulted loans described in clause (v), (vi), or (vii),

“(ix) loans made for the payment of expenses of college or university education or vocational training, in accordance with such regulations as may be prescribed by the Secretary or his delegate, and

“(x) property used by the association in the conduct of the business described in subparagraph (B).

At the election of the taxpayer, the percentage specified in this subparagraph shall be applied on the basis of the average assets outstanding during the taxable year, in lieu of the close of the taxable year, computed under regulations prescribed by the Secretary or his delegate. For purposes of clause (v), if a multifamily structure securing a loan is used in part for nonresidential purposes, the entire loan is deemed a residential real property loan if the planned residential use exceeds 80 percent of the property's planned use (determined as of the time the loan is made). For purposes of clause (v), loans made to finance the acquisition or development of land shall be deemed to be loans secured by an interest in residential real property if, under regulations prescribed by the Secretary or his delegate, there is reasonable assurance that the property will become residential real property within a period of 3 years from the date of acquisition of such land; but this sentence shall not apply for any taxable year unless, within such 3-year period, such land becomes residential real property.”

(d) CONFORMING AMENDMENTS.—Section 7701(a)(32) (defining cooperative bank) is amended—

(1) by striking out subparagraph (B) and inserting in lieu thereof the following:

“(B) meets the requirements of subparagraphs (B) and (C) of paragraph (19) of this subsection (relating to definition of domestic building and loan association).”, and

(2) by striking out the third sentence thereof.

(e) EFFECTIVE DATE.—The amendments made by this section shall be effective for taxable years beginning after July 11, 1969.

SEC. 433. TREATMENT OF BONDS, ETC., HELD BY FINANCIAL INSTITUTIONS.

(a) GAIN ON SECURITIES HELD BY FINANCIAL INSTITUTIONS.—Subsection (c) of section 582 (relating to bad debt and loss deduction with respect to securities held by banks) is amended by striking out such subsection and inserting the following in lieu thereof:

“(c) BOND, ETC., LOSSES AND GAINS OF FINANCIAL INSTITUTIONS.—

“(1) GENERAL RULE.—For purposes of this subtitle, in the case of a financial institution to which section 585, 586, or 593 applies, the sale or exchange of a bond, debenture, note, or certificate or other evidence of indebtedness shall not be considered a sale or exchange of a capital asset.

“(2) TRANSITIONAL RULE FOR BANKS.—In the case of a bank, if the net long-term capital gains of the taxable year from sales or

76 Stat. 1161.
26 USC 7701.

68A Stat. 202.
26 USC 582.

Ante, pp. 616,
620.

exchanges of qualifying securities exceed the net short-term capital losses of the taxable year from such sales or exchanges, such excess shall be considered as gain from the sale of a capital asset held for more than 6 months to the extent it does not exceed the net gain on sales and exchanges described in paragraph (1).

(3) SPECIAL RULES.—For purposes of this subsection—

“(A) The term ‘qualifying security’ means a bond, debenture, note, or certificate or other evidence of indebtedness held by a bank on July 11, 1969.

“(B) The amount treated as capital gain or loss from the sale or exchange of a qualifying security shall be determined by multiplying the amount of capital gain or loss from the sale or exchange of such security (determined without regard to this subsection) by a fraction, the numerator of which is the number of days before July 12, 1969, that such security was held by the bank, and the denominator of which is the number of days the security was held by the bank.”

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 1243 (relating to loss of a small business investment company) is amended to read as follows:

“(1) a loss is on stock received pursuant to the conversion privilege of convertible debentures acquired pursuant to section 304 of the Small Business Investment Act of 1958, and”.

(c) CLERICAL AMENDMENT.—The heading for section 582 is amended to read as follows:

“SEC. 582. BAD DEBTS, LOSSES, AND GAINS WITH RESPECT TO SECURITIES HELD BY FINANCIAL INSTITUTIONS.”

(d) EFFECTIVE DATE.—

(1) **IN GENERAL.**—The amendments made by this section shall apply to taxable years beginning after July 11, 1969.

(2) **ELECTION FOR SMALL BUSINESS INVESTMENT COMPANIES AND BUSINESS DEVELOPMENT CORPORATIONS.**—Notwithstanding paragraph (1), in the case of a financial institution described in section 586(a) of the Internal Revenue Code of 1954, the amendments made by this section shall not apply for its taxable years beginning after July 11, 1969, and before July 11, 1974, unless the taxpayer so elects at such time and in such manner as shall be prescribed by the Secretary of the Treasury or his delegate. Such election shall be irrevocable and shall apply to all such taxable years.

SEC. 434. LIMITATION ON DEDUCTION FOR DIVIDENDS RECEIVED BY MUTUAL SAVINGS BANKS, ETC.

(a) SPECIAL LIMITATION.—Part II of subchapter H of chapter 1 is amended by adding at the end thereof the following new section:

“SEC. 596. LIMITATION ON DIVIDENDS RECEIVED DEDUCTION.

“In the case of an organization to which section 593 applies and which computes additions to the reserve for losses on loans for the taxable year under section 593(b)(2), the total amount allowed under sections 243, 244, and 245 (determined without regard to this section) for the taxable year as a deduction with respect to dividends received shall be reduced by an amount equal to the applicable percentage for such year (determined under subparagraphs (A) and (B) of section 593(b)(2)) of such total amount.”

72 Stat. 1645.
26 USC 1243.

72 Stat. 693;
81 Stat. 271.
15 USC 684.

Ante, p. 618.

68A Stat. 204;
76 Stat. 982.
26 USC 591.

Ante, pp. 620,
622.

78 Stat. 52, 55.
80 Stat. 1558.

(b) TECHNICAL AND CLERICAL AMENDMENTS.—

(1) Section 246 (relating to rules applying to deductions for dividends received) is amended by adding at the end thereof the following new subsection:

(d) CROSS REFERENCE.—

"For special rule relating to mutual savings banks, etc., to which section 593 applies, see section 596."

(2) The table of sections for part II of subchapter H of chapter 1 is amended by adding at the end thereof:

"Sec. 596. Limitation on dividends received deduction."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after July 11, 1969.

SEC. 435. FOREIGN DEPOSITS IN UNITED STATES BANKS.

(a) INCOME FROM SOURCES WITHIN THE UNITED STATES.—

(1) Effective with respect to amounts paid or credited after December 31, 1969, subparagraphs (C) and (D) of section 861(a)(1) (relating to interest) are each amended by striking out "after December 31, 1972".

(2) Section 861(c) (relating to interest on deposits, etc.) is amended by striking out "1972" and inserting in lieu thereof "1975".

(b) PROPERTY WITHIN THE UNITED STATES.—The second sentence of section 2104(c) (relating to debt obligations) is amended by striking out "December 31, 1972" and inserting in lieu thereof "December 31, 1969".

80 Stat. 1542.

80 Stat. 1572.

Subtitle E—Depreciation Allowed Regulated Industries; Earnings and Profits Adjustment for Depreciation

SEC. 441. PUBLIC UTILITY PROPERTY.

(a) IN GENERAL.—Section 167 (relating to depreciation) is amended by inserting after subsection (k) (added by section 521) the following new subsection:

(l) REASONABLE ALLOWANCE IN CASE OF PROPERTY OF CERTAIN UTILITIES.—

(1) PRE-1970 PUBLIC UTILITY PROPERTY.—

(A) IN GENERAL.—In the case of any pre-1970 public utility property, the term 'reasonable allowance' as used in subsection (a) means an allowance computed under—

(i) a subsection (l) method, or

(ii) the applicable 1968 method for such property.

Except as provided in subparagraph (B), clause (ii) shall apply only if the taxpayer uses a normalization method of accounting.

(B) FLOW-THROUGH METHOD OF ACCOUNTING IN CERTAIN CASES.—In the case of any pre-1970 public utility property, the taxpayer may use the applicable 1968 method for such property if—

(i) the taxpayer used a flow-through method of accounting for such property for its July 1969 accounting period, or

(ii) the first accounting period with respect to such property is after the July 1969 accounting period, and the taxpayer used a flow-through method of accounting for its July 1969 accounting period for the property on the basis of which the applicable 1968 method for the property in question is established.

80 Stat. 1513;
Post, p. 649.

"(2) POST-1969 PUBLIC UTILITY PROPERTY.—In the case of any post-1969 public utility property, the term ‘reasonable allowance’ as used in subsection (a) means an allowance computed under—

“(A) a subsection (l) method,

“(B) a method otherwise allowable under this section if the taxpayer uses a normalization method of accounting, or

“(C) the applicable 1968 method, if, with respect to its pre-1970 public utility property of the same (or similar) kind most recently placed in service, the taxpayer used a flow-through method of accounting for its July 1969 accounting period.

"(3) DEFINITIONS.—For purposes of this subsection—

“(A) **PUBLIC UTILITY PROPERTY.**—The term ‘public utility property’ means property used predominantly in the trade or business of the furnishing or sale of—

“(i) electrical energy, water, or sewage disposal services,

“(ii) gas or steam through a local distribution system,

“(iii) telephone services, or other communication services if furnished or sold by the Communications Satellite Corporation for purposes authorized by the Communications Satellite Act of 1962 (47 U.S.C. 701), or

“(iv) transportation of gas or steam by pipeline, if the rates for such furnishing or sale, as the case may be, have been established or approved by a State or political subdivision thereof, by any agency or instrumentality of the United States, or by a public service or public utility commission or other similar body of any State or political subdivision thereof.

“(B) **PRE-1970 PUBLIC UTILITY PROPERTY.**—The term ‘pre-1970 public utility property’ means property which was public utility property in the hands of any person at any time before January 1, 1970.

“(C) **POST-1969 PUBLIC UTILITY PROPERTY.**—The term ‘post-1969 public utility property’ means any public utility property which is not pre-1970 public utility property.

“(D) **APPLICABLE 1968 METHOD.**—The term ‘applicable 1968 method’ means, with respect to any public utility property—

“(i) the method of depreciation used on a return with respect to such property for the latest taxable year for which a return was filed before August 1, 1969,

“(ii) if clause (i) does not apply, the method used by the taxpayer on a return for the latest taxable year for which a return was filed before August 1, 1969, with respect to its public utility property of the same kind (or if there is no property of the same kind, property of the most similar kind) most recently placed in service, or

“(iii) if neither clause (i) nor (ii) applies, a subsection (l) method.

In the case of any section 1250 property to which subsection (j) applies, the term ‘applicable 1968 method’ means the method permitted under subsection (j) which is most nearly comparable to the applicable 1968 method determined under the preceding sentence.

“(E) **APPLICABLE 1968 METHOD IN CERTAIN CASES.**—If the taxpayer evidenced the intent to use a method of depreciation (other than its applicable 1968 method or a subsection (l)

method) with respect to any public utility property in a timely application for change of accounting method filed before August 1, 1969, or in the computation of its tax expense for purposes of reflecting operating results in its regulated books of account for its July 1969 accounting period, such other method shall be deemed to be its applicable 1968 method with respect to such property and public utility property of the same (or similar) kind subsequently placed in service.

“(F) SUBSECTION (1) METHOD.—The term ‘subsection (1) method’ means any method determined by the Secretary or his delegate to result in a reasonable allowance under subsection (a), other than (i) a declining balance method, (ii) the sum of the years-digits method, or (iii) any other method allowable solely by reason of the application of subsection (b) (4) or (j) (1)(C).

“(G) NORMALIZATION METHOD OF ACCOUNTING.—In order to use a normalization method of accounting with respect to any public utility property—

“(i) the taxpayer must use the same method of depreciation to compute both its tax expense and its depreciation expense for purposes of establishing its cost of service for ratemaking purposes and for reflecting operating results in its regulated books of account, and

“(ii) if, to compute its allowance for depreciation under this section, it uses a method of depreciation other than the method it used for the purposes described in clause (i), the taxpayer must make adjustments to a reserve to reflect the deferral of taxes resulting from the use of such different methods of depreciation.

“(H) FLOW-THROUGH METHOD OF ACCOUNTING.—The taxpayer used a ‘flow-through method of accounting’ with respect to any public utility property if it used the same method of depreciation (other than a subsection (1) method) to compute its allowance for depreciation under this section and to compute its tax expense for purposes of reflecting operating results in its regulated books of account.

“(I) JULY 1969 ACCOUNTING PERIOD.—The term ‘July 1969 accounting period’ means the taxpayer’s latest accounting period ending before August 1, 1969, for which it computed its tax expense for purposes of reflecting operating results in its regulated books of account.

For purposes of this paragraph, different declining balance rates shall be treated as different methods of depreciation.

“(4) SPECIAL RULES AS TO FLOW-THROUGH METHOD.—

“(A) ELECTION AS TO NEW PROPERTY REPRESENTING GROWTH IN CAPACITY.—If the taxpayer makes an election under this subparagraph within 180 days after the date of the enactment of this subparagraph in the manner prescribed by the Secretary or his delegate, in the case of taxable years beginning after December 31, 1970, paragraph (2)(C) shall not apply with respect to any post-1969 public utility property, to the extent that such property constitutes property which increases the productive or operational capacity of the taxpayer with respect to the goods or services described in paragraph (3)(A) and does not represent the replacement of existing capacity.

“(B) CERTAIN PENDING APPLICATIONS FOR CHANGES IN METHOD.—In applying paragraph (1)(B), the taxpayer shall

be deemed to have used a flow-through method of accounting for its July 1969 accounting period with respect to any pre-1970 public utility property for which it filed a timely application for change of accounting method before August 1, 1969, if with respect to public utility property of the same (or similar) kind most recently placed in service, it used a flow-through method of accounting for its July 1969 accounting period.

(5) REORGANIZATIONS, ASSETS ACQUISITIONS, ETC.—If by reason of a corporate reorganization, by reason of any other acquisition of the assets of one taxpayer by another taxpayer, by reason of the fact that any trade or business of the taxpayer is subject to ratemaking by more than one body, or by reason of other circumstances, the application of any provisions of this subsection to any public utility property does not carry out the purposes of this subsection, the Secretary or his delegate shall provide by regulations for the application of such provisions in a manner consistent with the purposes of this subsection.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to all taxable years for which a return has not been filed before August 1, 1969.

SEC. 442. EFFECT ON EARNINGS AND PROFITS.

(a) IN GENERAL.—Section 312 (relating to earnings and profits) is amended by adding at the end thereof the following new subsection:

“(m) EFFECT OF DEPRECIATION ON EARNINGS AND PROFITS.—

“(1) GENERAL RULE.—For purposes of computing the earnings and profits of a corporation for any taxable year beginning after June 30, 1972, the allowance for depreciation (and amortization, if any) shall be deemed to be the amount which would be allowable for such year if the straight line method of depreciation had been used for each taxable year beginning after June 30, 1972.

“(2) EXCEPTION.—If for any taxable year beginning after June 30, 1972, a method of depreciation was used by the taxpayer which the Secretary or his delegate has determined results in a reasonable allowance under section 167(a), and which is not—

“(A) a declining balance method,

“(B) the sum of the years-digits method, or

“(C) any other method allowable solely by reason of the application of subsection (b)(4) or (j)(1)(C) of section 167, then the adjustment to earnings and profits for depreciation for such year shall be determined under the method so used (in lieu of under the straight line method).

“(3) CERTAIN FOREIGN CORPORATIONS.—The provisions of paragraph (1) shall not apply in computing the earnings and profits of a foreign corporation for any taxable year for which less than 20 percent of the gross income from all sources of such corporation is derived from sources within the United States.”

(b) CONFORMING AMENDMENTS.—

(1) Section 964(a) (relating to earnings and profits of a foreign corporation) is amended by striking out “For purposes of this subpart,” and inserting in lieu thereof “Except as provided in section 312(m)(3), for purposes of this subpart”.

(2) Section 1248(c)(1) (relating to general rule for determination of the earnings and profits of a foreign corporation) is amended by striking out “For purposes of this section,” and inserting in lieu thereof “Except as provided in section 312(m)(3), for purposes of this section”.

68A Stat. 95;
76 Stat. 1040.
26 USC 312.

26 USC 167.

Post, p. 649.

76 Stat. 1027.

26 USC 1248.

TITLE V—ADJUSTMENTS AFFECTING INDIVIDUALS AND CORPORATIONS

Subtitle A—Natural Resources

SEC. 501. PERCENTAGE DEPLETION RATES.

(a) CHANGE IN CERTAIN PERCENTAGE DEPLETION RATES.—Subsection (b) of section 613 (relating to percentage depletion) is amended to read as follows:

“(b) PERCENTAGE DEPLETION RATES.—The mines, wells, and other natural deposits, and the percentages, referred to in subsection (a) are as follows:

“(1) 22 PERCENT—

- “(A) oil and gas wells;
- “(B) sulphur and uranium; and

“(C) if from deposits in the United States—anorthosite, clay, laterite, and nephelite syenite (to the extent that alumina and aluminum compounds are extracted therefrom), asbestos, bauxite, celestite, chromite, corundum, fluorspar, graphite, ilmenite, kyanite, mica, olivine, quartz crystals (radio grade), rutile, block steatite talc, and zircon, and ores of the following metals: antimony, beryllium, bismuth, cadmium, cobalt, columbium, lead, lithium, manganese, mercury, molybdenum, nickel, platinum and platinum group metals, tantalum, thorium, tin, titanium, tungsten, vanadium, and zinc.

“(2) 15 PERCENT—if from deposits in the United States—

- “(A) gold, silver, copper, and iron ore, and
- “(B) oil shale (except shale described in paragraph (5)).

“(3) 14 PERCENT—

“(A) metal mines (if paragraph (1)(C) or (2)(A) does not apply), rock asphalt, and vermiculite; and

“(B) if paragraph (1)(C), (5), or (6)(B) does not apply, ball clay, bentonite, china clay, sagger clay, and clay used or sold for use for purposes dependent on its refractory properties.

“(4) 10 PERCENT—asbestos (if paragraph (1)(C) does not apply), brucite, coal, lignite, perlite, sodium chloride, and wollastonite.

“(5) 7½ PERCENT—clay and shale used or sold for use in the manufacture of sewer pipe or brick, and clay, shale, and slate used or sold for use as sintered or burned lightweight aggregates.

“(6) 5 PERCENT—

“(A) gravel, peat, pumice, sand, scoria, shale (except shale described in paragraph (2)(B) or (5)), and stone except stone described in paragraph (7));

“(B) clay used, or sold for use, in the manufacture of drainage and roofing tile, flower pots, and kindred products; and

“(C) if from brine wells—bromine, calcium chloride, and magnesium chloride.

“(7) 14 PERCENT—all other minerals, including, but not limited to, aplite, barite, borax, calcium carbonates, diatomaceous earth, dolomite, feldspar, fullers earth, garnet, gilsonite, granite, limestone, magnesite, magnesium carbonates, marble, mollusk shells (including clam shells and oyster shells), phosphate rock, potash, quartzite, slate, soapstone, stone (used or sold for use by the mine owner or operator as dimension stone or ornamental stone), thenardite, tripoli, trona, and (if paragraph (1)(C) does

68A Stat. 208;
80 Stat. 1579.
26 USC 613.

not apply) bauxite, flake graphite, fluorspar, lepidolite, mica, spodumene, and talc (including pyrophyllite), except that, unless sold on bid in direct competition with a bona fide bid to sell a mineral listed in paragraph (3), the percentage shall be 5 percent for any such other mineral (other than slate to which paragraph (5) applies) when used, or sold for use, by the mine owner or operator as rip rap, ballast, road material, rubble, concrete aggregates, or for similar purposes. For purposes of this paragraph, the term ‘all other minerals’ does not include—

“(A) soil, sod, dirt, turf, water, or mosses; or

“(B) minerals from sea water, the air, or similar inexhaustible sources.

For the purposes of this subsection, minerals (other than sodium chloride) extracted from brines pumped from a saline perennial lake within the United States shall not be considered minerals from an inexhaustible source.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to taxable years beginning after October 9, 1969.

SEC. 502. TREATMENT PROCESSES IN THE CASE OF OIL SHALE.

74 Stat. 293.
26 USC 613.

(a) **IN GENERAL.**—Section 613(c)(4) (relating to treatment processes considered as mining) is amended by striking out “and” at the end of subparagraph (G), by redesignating subparagraph (H) as subparagraph (I), and by inserting after subparagraph (G) the following new subparagraph:

“(H) in the case of oil shale—extraction from the ground, crushing, loading into the retort, and retorting, but not hydrogenation, refining, or any other process subsequent to retorting; and”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 503. MINERAL PRODUCTION PAYMENTS.

68A Stat. 207.
26 USC 611-
632.

(a) **IN GENERAL.**—Subchapter I of chapter 1 (relating to natural resources) is amended by adding at the end thereof the following new part:

“PART IV—MINERAL PRODUCTION PAYMENTS

“Sec. 636. Income tax treatment of mineral production payments.

“SEC. 636. INCOME TAX TREATMENT OF MINERAL PRODUCTION PAYMENTS.

“(a) **CARVED-OUT PRODUCTION PAYMENT.**—A production payment carved out of mineral property shall be treated, for purposes of this subtitle, as if it were a mortgage loan on the property, and shall not qualify as an economic interest in the mineral property. In the case of a production payment carved out for exploration or development of a mineral property, the preceding sentence shall apply only if and to the extent gross income from the property (for purposes of section 613) would be realized, in the absence of the application of such sentence, by the person creating the production payment.

“(b) **RETAINED PRODUCTION PAYMENT ON SALE OF MINERAL PROPERTY.**—A production payment retained on the sale of a mineral property shall be treated, for purposes of this subtitle, as if it were a purchase money mortgage loan and shall not qualify as an economic interest in the mineral property.

“(c) **RETAINED PRODUCTION PAYMENT ON LEASE OF MINERAL PROPERTY.**—A production payment retained in a mineral property by the

lessor in a leasing transaction shall be treated, for purposes of this subtitle, insofar as the lessee (or his successors in interest) is concerned, as if it were a bonus granted by the lessee to the lessor payable in installments. The treatment of the production payment in the hands of the lessor shall be determined without regard to the provisions of this subsection.

(d) **DEFINITION.**—As used in this section, the term ‘mineral property’ has the meaning assigned to the term ‘property’ in section 614(a).

(e) **REGULATIONS.**—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.”

(b) **CLERICAL AMENDMENT.**—The table of parts for subchapter I of chapter 1 is amended by adding at the end thereof the following:

“Part IV. Mineral production payments.”

(c) **EFFECTIVE DATES.**—

(1) **GENERAL RULE.**—The amendments made by this section shall apply with respect to mineral production payments created on or after August 7, 1969, other than mineral production payments created before January 1, 1971, pursuant to a binding contract entered into before August 7, 1969.

(2) **ELECTION.**—At the election of the taxpayer (made at such time and in such manner as the Secretary of the Treasury or his delegate prescribes by regulations), the amendments made by this section shall apply with respect to all mineral production payments which the taxpayer carved out of mineral properties after the beginning of his last taxable year ending before August 7, 1969. No interest shall be allowed on any refund or credit of any overpayment resulting from such election for any taxable year ending before August 7, 1969.

(3) **SPECIAL RULE.**—With respect to a taxpayer who does not elect the treatment provided in paragraph (2) and who carves out one or more mineral production payments on or after August 7, 1969, during the taxable year which includes such date, the amendments made by this section shall apply to such production payments only to the extent the aggregate amount of such production payments exceeds the lesser of—

(A) the excess of—

(i) the aggregate amount of production payments carved out and sold by the taxpayer during the 12-month period immediately preceding his taxable year which includes August 7, 1969, over

(ii) the aggregate amount of production payments carved out before August 7, 1969, by the taxpayer during his taxable year which includes such date, or

(B) the amount necessary to increase the amount of the taxpayer’s gross income, within the meaning of chapter 1 of subtitle A of the Internal Revenue Code of 1954, for the taxable year which includes August 7, 1969, to an amount equal to the amount of deductions (other than any deduction under section 172 of such Code) allowable for such year under such chapter.

The preceding sentence shall not apply for purposes of determining the amount of any deduction allowable under section 611 or the amount of foreign tax credit allowable under section 904 of such Code.

68A Stat. 210.
26 USC 614.

68A Stat. 5;
78 Stat. 116.
26 USC 1-
1564.
Ante, p. 600.
Ante, p. 619.

26 USC 611.

Post, p. 635.

68A Stat. 211;
80 Stat. 763.
26 USC 615.

80 Stat. 759.

67 Stat. 462.

53 Stat. 40.

Post, p. 633.

68A Stat. 104-
315.

SEC. 504. EXPLORATION EXPENDITURES.

(a) AMENDMENTS TO SECTION 615.—Section 615 (relating to exploration expenditures) is amended—

(1) by striking out the heading and inserting in lieu thereof:

“SEC. 615. PRE-1970 EXPLORATION EXPENDITURES.”; and

(2) by adding at the end thereof the following new subsection:

“(h) TERMINATION.—The provisions of this section shall not apply with respect to expenditures paid or incurred after December 31, 1969.”

(b) AMENDMENTS TO SECTION 617.—Section 617 (relating to additional exploration expenditures in the case of domestic mining) is amended—

(1) by striking out the heading and inserting in lieu thereof:

“SEC. 617. DEDUCTION AND RECAPTURE OF CERTAIN MINING EXPLORATION EXPENDITURES.”;

(2) by striking out in subsection (a)(1) “in the United States or on the Outer Continental Shelf (within the meaning of section 2 of the Outer Continental Shelf Lands Act, as amended and supplemented; 43 U.S.C. 1331)”; and

(3) by striking out subsection (h) and inserting the following in lieu thereof:

“(h) LIMITATION.—

“(1) IN GENERAL.—Subsection (a) shall apply to any amount paid or incurred after December 31, 1969, with respect to any deposit of ore or other mineral located outside the United States, only to the extent that such amount, when added to the amounts which are or have been deducted under subsection (a) and section 615(a) and the amounts which are or have been treated as deferred expenses under section 615(b), or the corresponding provisions of prior law, does not exceed \$400,000.

“(2) AMOUNTS TAKEN INTO ACCOUNT.—For purposes of paragraph (1), there shall be taken into account amounts deducted and amounts treated as deferred expenses by—

“(A) the taxpayer, and

“(B) any individual or corporation who has transferred to the taxpayer any mineral property.

“(3) APPLICATION OF PARAGRAPH (2)(B).—Paragraph (2)(B) shall apply with respect to all amounts deducted and all amounts treated as deferred expenses which were paid or incurred before the latest such transfer from the individual or corporation to the taxpayer. Paragraph (2)(B) shall apply only if—

“(A) the taxpayer acquired any mineral property from the individual or corporation under circumstances which make paragraph (7), (8), (11), (15), (17), (20), or (22) of section 113(a) of the Internal Revenue Code of 1939 apply to such transfer;

“(B) the taxpayer would be entitled under section 381(c)(10) to deduct expenses deferred under section 615(b) had the distributor or transferor corporation elected to defer such expenses; or

“(C) the taxpayer acquired any mineral property from the individual or corporation under circumstances which make section 334(b), 362(a) and (b), 372(a), 373(b)(1), 1051, or 1082 apply to such transfer.”

(c) CONFORMING AMENDMENTS.—

(1) Section 243(b)(3)(C)(iii) is amended by striking out "section 615(c)(1)" and inserting in lieu thereof "sections 615(c)(1) and 617(h)(1)".

(2) Paragraph (10) of section 381(c) is amended—

(A) by striking out so much as precedes the second sentence and inserting in lieu thereof:

"(10) TREATMENT OF CERTAIN MINING EXPLORATION AND DEVELOPMENT EXPENSES OF DISTRIBUTOR OR TRANSFEROR CORPORATION.—The acquiring corporation shall be entitled to deduct, as if it were the distributor or transferor corporation, expenses deferred under sections 615 and 616 (relating to pre-1970 exploration expenditures and development expenditures, respectively) if the distributor or transferor corporation has so elected."; and

(B) by adding at the end thereof the following new sentence: "For the purpose of applying the limitation provided in section 617, if, for any taxable year, the distributor or transferor corporation was allowed the deduction in section 615(a) or section 617(a) or made the election provided in section 615(b), the acquiring corporation shall be deemed to have been allowed such deduction or deductions or to have made such election, as the case may be."

(3) Section 703(b) is amended by striking out "(relating to exploration expenditures) or under section 617 (relating to additional exploration expenditures in the case of domestic mining)" and inserting in lieu thereof "(relating to pre-1970 exploration expenditures) or under section 617 (relating to deduction and recapture of certain mining exploration expenditures)".

(4) Paragraph (10) of section 1016(a) is amended by inserting "pre-1970" after "certain".

(5) The table of sections for part I of subchapter I of Chapter 1 is amended—

(A) by striking out the item relating to section 615 and inserting in lieu thereof:

"Sec. 615. Pre-1970 exploration expenditures."; and

(B) by striking out the item relating to section 617 and inserting in lieu thereof:

"Sec. 617. Deduction and recapture of certain mining exploration expenditures."

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to exploration expenditures paid or incurred after December 31, 1969.

(2) PRESUMPTION OF ELECTION UNDER SECTION 617.—For purposes of section 617 of the Internal Revenue Code of 1954, an election under section 615(e) of such Code, which is effective with respect to exploration expenditures paid or incurred before January 1, 1970, shall be treated as an election under section 617(a) of such Code with respect to exploration expenditures paid or incurred after December 31, 1969. The preceding sentence shall not apply to any taxpayer who notifies the Secretary of the Treasury or his delegate (at such time and in such manner as the Secretary or his delegate prescribes by regulations) that he does not desire his election under section 615(e) to be so treated.

78 Stat. 53.
26 USC 243.

68A Stat. 127.

26 USC 616.

Ante, p. 632.

26 USC 703.

68A Stat. 300.

SEC. 505. CONTINENTAL SHELF AREAS.

68A Stat. 207;
Ante, p. 630.
 26 USC 611-
 636.

(a) **IN GENERAL.**—Subchapter I of chapter 1 (relating to natural resources) is amended by adding after part IV (added by section 503 of this Act) the following new part:

“PART V—CONTINENTAL SHELF AREAS

“Sec. 638. Continental shelf areas.

“SEC. 638. CONTINENTAL SHELF AREAS.

68A Stat. 276;
 80 Stat. 1543.

“For purposes of applying the provisions of this chapter (including sections 861(a)(3) and 862(a)(3) in the case of the performance of personal services) with respect to mines, oil and gas wells, and other natural deposits—

“United
States.”

“(1) the term ‘United States’ when used in a geographical sense includes the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the United States and over which the United States has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources; and

“(2) the terms ‘foreign country’ and ‘possession of the United States’ when used in a geographical sense include the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the foreign country or such possession and over which the foreign country (or the United States in case of such possession) has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources, but this paragraph shall apply in the case of a foreign country only if it exercises, directly or indirectly, taxing jurisdiction with respect to such exploration or exploitation.

No foreign country shall, by reason of the application of this section, be treated as a country contiguous to the United States.”

68A Stat. 357;
 80 Stat. 1553.

(b) **SOURCE OF INCOME FOR WITHHOLDING OF TAX.**—Section 1441 (relating to withholding of tax on nonresident aliens) is amended by adding at the end thereof the following new subsection:

“(f) CONTINENTAL SHELF AREAS.—

“For sources of income derived from, or for services performed with respect to, the exploration or exploitation of natural resources on submarine areas adjacent to the territorial waters of the United States, see section 638.”

(c) **CLERICAL AMENDMENT.**—The table of parts for subchapter I of chapter 1 is amended by adding at the end thereof the following new item:

“Part V. Continental shelf areas.”

SEC. 506. FOREIGN TAX CREDIT WITH RESPECT TO CERTAIN FOREIGN MINERAL INCOME.

68A Stat. 285;
 80 Stat. 1569.

(a) **LIMITATION ON AMOUNT OF FOREIGN TAXES ALLOWED.**—Section 901 (relating to taxes of foreign countries and possessions of the United States) is amended—

- (1) by redesignating subsection (e) as subsection (f), and
- (2) by inserting after subsection (d) the following new subsection:

“(e) FOREIGN TAXES ON MINERAL INCOME.—

“(1) **REDUCTION IN AMOUNT ALLOWED.**—Notwithstanding subsection (b), the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or possession of the United States with respect to foreign

mineral income from sources within such country or possession which would (but for this paragraph) be allowed under such subsection shall be reduced by the amount (if any) by which—

“(A) the amount of such taxes (or, if smaller, the amount of the tax which would be computed under this chapter with respect to such income determined without the deduction allowed under section 613), exceeds

“(B) the amount of the tax computed under this chapter with respect to such income.

“(2) FOREIGN MINERAL INCOME DEFINED.—For purposes of paragraph (1), the term ‘foreign mineral income’ means income derived from the extraction of minerals from mines, wells, or other natural deposits, the processing of such minerals into their primary products, and the transportation, distribution, or sale of such minerals or primary products. Such term includes, but is not limited to—

“(A) dividends received from a foreign corporation in respect of which taxes are deemed paid by the taxpayer under section 902, to the extent such dividends are attributable to foreign mineral income, and

“(B) that portion of the taxpayer’s distributive share of the income of partnerships attributable to foreign mineral income”

(b) ELECTION OF OVERALL LIMITATION.—Section 904(b) (relating to election of overall limitation) is amended—

(1) by striking out “with the consent of the Secretary or his delegate with respect to any taxable year” in paragraph (1) and inserting in lieu thereof “(A) with the consent of the Secretary or his delegate with respect to any taxable year or (B) for the taxpayer’s first taxable year beginning after December 31, 1969”, and

(2) by striking out “If a taxpayer” in paragraph (2) and inserting in lieu thereof “Except in a case to which paragraph (1)(B) applies, if the taxpayer”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1969.

Ante, p. 629.

76 Stat. 999.
26 USC 902.

74 Stat. 1010.

Subtitle B—Capital Gains and Losses

SEC. 511. INCREASE IN ALTERNATIVE CAPITAL GAINS TAX.

(a) DEFINITION OF NET SECTION 1201 GAIN.—Section 1222 (relating to definition of terms applicable to capital gains and losses) is amended by adding at the end thereof the following new paragraph:

“(11) NET SECTION 1201 GAIN.—The term ‘net section 1201 gain’ means the excess of the net long-term capital gain for the taxable year over the net short-term capital loss for such year.”

(b) INCREASE IN ALTERNATIVE TAX RATES.—Section 1201 (relating to alternative tax) is amended to read as follows:

68A Stat. 322.

26 USC 1201.

“SEC. 1201. ALTERNATIVE TAX.

“(a) CORPORATIONS.—If for any taxable year a corporation has a net section 1201 gain, then, in lieu of the tax imposed by sections 11, 511, 821 (a) or (c), and 831(a), there is hereby imposed a tax (if such tax is less than the tax imposed by such sections) which shall consist of the sum of a tax computed on the taxable income reduced by the amount of the net section 1201 gain, at the rates and in the manner as if this subsection had not been enacted, plus—

78 Stat. 25, 29;
76 Stat. 997;
Ante, pp. 536,
585.

“(1) in the case of a taxable year beginning before January 1, 1975—

“(A) a tax of 25 percent of the lesser of—

“(i) the amount of the subsection (d) gain, or

“(ii) the amount of the net section 1201 gain,

and

“(B) a tax of 30 percent (28 percent in the case of a taxable year beginning after December 31, 1969, and before January 1, 1971) of the excess (if any) of the net section 1201 gain over the subsection (d) gain; and

“(2) in the case of a taxable year beginning after December 31, 1974, a tax of 30 percent of the net section 1201 gain.

“(b) OTHER TAXPAYERS.—If for any taxable year a taxpayer other than a corporation has a net section 1201 gain, then, in lieu of the tax imposed by sections 1 and 511, there is hereby imposed a tax (if such tax is less than the tax imposed by such sections) which shall consist of the sum of—

“(1) a tax computed on the taxable income reduced by an amount equal to 50 percent of the net section 1201 gain, at the rates and in the manner as if this subsection had not been enacted,

“(2) a tax of 25 percent of the lesser of—

“(A) the amount of the subsection (d) gain, or

“(B) the amount of the net section 1201 gain, and

“(3) if the amount of the net section 1201 gain exceeds the amount of the subsection (d) gain, a tax computed as provided in subsection (c) on such excess.

“(c) COMPUTATION OF TAX ON CAPITAL GAIN IN EXCESS OF SUBSECTION (d) GAIN.—

“(1) IN GENERAL.—The tax computed for purposes of subsection (b)(3) shall be the amount by which a tax determined under section 1 or 511 on an amount equal to the taxable income (but not less than 50 percent of the net section 1201 gain) for the taxable year exceeds a tax determined under section 1 or 511 on an amount equal to the sum of (A) the amount subject to tax under subsection (b)(1) plus (B) an amount equal to 50 percent of the subsection (d) gain.

“(2) LIMITATION.—Notwithstanding paragraph (1), the tax computed for purposes of subsection (b)(3) shall not exceed an amount equal to the following percentage of the excess of the net section 1201 gain over the subsection (d) gain:

“(A) 29½ percent, in the case of a taxable year beginning after December 31, 1969, and before January 1, 1971, or

“(B) 32½ percent, in the case of a taxable year beginning after December 31, 1970, and before January 1, 1972.

“(d) SUBSECTION (d) GAIN DEFINED.—For purposes of this section, the term ‘subsection (d) gain’ means the sum of the long-term capital gains for the taxable year arising—

“(1) in the case of amounts received before January 1, 1975, from sales or other dispositions pursuant to binding contracts (other than any gain from a transaction described in section 631 or 1235) entered into on or before October 9, 1969, including sales or other dispositions the income from which is returned on the basis and in the manner prescribed in section 453(a)(1),

“(2) in respect of distributions from a corporation made prior to October 10, 1970, which are pursuant to a plan of complete liquidation adopted on or before October 9, 1969, and

“(3) in the case of a taxpayer other than a corporation, from any other source, but the amount taken into account from such other sources for the purposes of this paragraph shall be limited to an amount equal to the excess (if any) of \$50,000 (\$25,000 in the case of a married individual filing a separate return) over the sum of the gains to which paragraphs (1) and (2) apply.

(e) CROSS REFERENCES.—

“For computation of the alternative tax—

- “(1) in the case of life insurance companies, see section 802(a)(2);
- “(2) in the case of regulated investment companies and their shareholders, see section 852(b)(3) (A) and (D); and
- “(3) in the case of real estate investment trusts, see section 857(b)(3)(A).”

(c) CONFORMING AMENDMENTS.—

(1) Section 802(a)(2)(B) (relating to alternative tax in case of capital gains of life insurance companies) is amended to read as follows:

“(B) an amount determined as provided in section 1201 (a) on such excess.”

(2) Section 852(b)(3) (relating to method of taxation of regulated investment companies and their shareholders in the case of capital gains) is amended:

(A) by striking out “of 25 percent of” in subparagraph (A) and inserting in lieu thereof “, determined as provided in section 1201(a), on”,

(B) by adding at the end of subparagraph (C) the following new sentence: “For purposes of subparagraph (A)(ii), the deduction for dividends paid shall, in the case of a taxable year beginning before January 1, 1975, first be made from the amount subject to tax in accordance with section 1201(a)(1)(B), to the extent thereof, and then from the amount subject to tax in accordance with section 1201(a)(1)(A).”,

(C) by striking out “of 25 percent” in subparagraph (D)(ii), and

(D) by amending subparagraph (D)(iii) to read as follows:

“(iii) The adjusted basis of such shares in the hands of the shareholder shall be increased, with respect to the amounts required by this subparagraph to be included in computing his long-term capital gains, by 75 percent of so much of such amounts as equals the amount subject to tax in accordance with section 1201(a)(1)(A) and by 70 percent (72 percent in the case of a taxable year beginning after December 31, 1969, and before January 1, 1971) of so much of such amounts as equals the amount subject to tax in accordance with section 1201(a)(1)(B) or (2).”

(3) Section 857(b)(3) (relating to imposition of tax in the case of capital gains of real estate investment trusts) is amended:

(A) by striking out “of 25 percent of” in subparagraph (A) and inserting in lieu thereof “, determined as provided in section 1201(a), on”, and

(B) by adding at the end of subparagraph (C) the following new sentence: “For purposes of subparagraph (A)(ii), in the case of a taxable year beginning before January 1, 1975, the deduction for dividends paid shall first be made

76 Stat. 1136.
26 USC 802.

Anote, p. 635.
68A Stat. 271.

70 Stat. 530.

74 Stat. 1006.

Ante, p. 635.

80 Stat. 113.
26 USC 1378.

from the amount subject to tax in accordance with section 1201(a)(1)(B), to the extent thereof, and then from the amount subject to tax in accordance with section 1201(a)(1)(A)."

(4) Section 1378 (relating to tax imposed on certain capital gains of an electing small business corporation) is amended:

(A) by striking out "25 percent of" in subsection (b)(1) and inserting in lieu thereof "the tax, determined as provided in section 1201(a), on",

(B) by adding at the end of subsection (b) the following new sentence: "In applying section 1201(a)(1)(A) and (B) for purposes of paragraph (1), the \$25,000 limitation shall first be deducted from the amount (determined without regard to this subsection) subject to tax in accordance with section 1201(a)(1)(B), to the extent thereof, and then from the amount (determined without regard to this subsection) subject to tax in accordance with section 1201(a)(1)(A).", and

(C) by striking out "25 percent of" in subsection (c)(3) and inserting in lieu thereof "a tax, determined as provided in section 1201(a), on".

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 1969.

SEC. 512. CAPITAL LOSSES OF CORPORATIONS.

78 Stat. 860.

(a) **THREE-YEAR CARRYBACK OF NET CAPITAL LOSSES.**—Section 1212(a)(1) (relating to capital loss carryover for corporations) is amended to read as follows:

"(1) **IN GENERAL.**—If a corporation has a net capital loss for any taxable year (hereinafter in this paragraph referred to as the 'loss year'), the amount thereof shall be—

"(A) a capital loss carryback to each of the 3 taxable years preceding the loss year, but only to the extent—

"(i) such loss is not attributable to a foreign expropriation capital loss, and

"(ii) the carryback of such loss does not increase or produce a net operating loss (as defined in section 172(c)) for the taxable year to which it is being carried back; and

"(B) a capital loss carryover to each of the 5 taxable years (10 taxable years to the extent such loss is attributable to a foreign expropriation capital loss) succeeding the loss year, and shall be treated as a short-term capital loss in each such taxable year. The entire amount of the net capital loss for any taxable year shall be carried to the earliest of the taxable years to which such loss may be carried, and the portion of such loss which shall be carried to each of the other taxable years to which such loss may be carried shall be the excess, if any, of such loss over the total of the net capital gains for each of the prior taxable years to which such loss may be carried. For purposes of the preceding sentence, the net capital gain for any such prior taxable year shall be computed without regard to the net capital loss for the loss year or for any taxable year thereafter. In the case of any net capital loss which cannot be carried back in full to a preceding taxable year by reason of clause (ii) of subparagraph (A), the net capital gain for such prior taxable year shall in no case be treated

68A Stat. 63.

as greater than the amount of such loss which can be carried back to such preceding taxable year upon the application of such clause (ii)."

(b) SPECIAL RULES.—Section 1212(a) (relating to net capital losses of corporations) is amended by adding at the end thereof the following new paragraphs:

"(3) ELECTING SMALL BUSINESS CORPORATIONS.—Paragraph (1)(A) shall not apply to the net capital loss of a corporation for any taxable year for which it is an electing small business corporation under subchapter S, and a net capital loss of a corporation (for a year for which it is not such an electing small business corporation) shall not be carried back under paragraph (1)(A) to a taxable year for which it is an electing small business corporation.

"(4) SPECIAL RULES ON CARRYBACKS.—A net capital loss of a corporation shall not be carried back under paragraph (1)(A) to a taxable year—

"(A) for which it is a foreign personal holding company (as defined in section 552);

"(B) for which it is a regulated investment company (as defined in section 851);

"(C) for which it is a real estate investment trust (as defined in section 856); or

"(D) for which an election made by it under section 1247 is applicable (relating to election by foreign investment companies to distribute income currently)."

(c) CERTAIN CORPORATE ACQUISITIONS.—Section 381(b)(3) (relating to operating rules for carryovers in certain corporate acquisitions) is amended by striking out "a net operating loss" and inserting in lieu thereof "a net operating loss or a net capital loss".

(d) TENTATIVE CARRYBACK ADJUSTMENTS.—Section 6411 (relating to quick refunds in respect of tentative carryback adjustments) is amended—

(1) by striking out the first two sentences of subsection (a) and inserting in lieu thereof "A taxpayer may file an application for a tentative carryback adjustment of the tax for the prior taxable year affected by a net operating loss carryback provided in section 172(b), by an investment credit carryback provided in section 46(b), or by a capital loss carryback provided in section 1212(a)(1), from any taxable year. The application shall be verified in the manner prescribed by section 6065 in the case of a return of such taxpayer, and shall be filed, on or after the date of filing of the return for the taxable year of the net operating loss, net capital loss, or unused investment credit from which the carryback results and within a period of 12 months from the end of such taxable year (or, with respect to any portion of an investment credit carryback from a taxable year attributable to a net operating loss carryback or a capital loss carryback from a subsequent taxable year, within a period of 12 months from the end of such subsequent taxable year), in the manner and form required by regulations prescribed by the Secretary or his delegate.", and

(2) by striking out "net operating loss or unused investment credit", wherever such term appears in subsections (a)(1), (b), and, (c), and inserting in lieu thereof "net operating loss, net capital loss, or unused investment credit".

(e) STATUTES OF LIMITATIONS AND INTEREST RELATING TO CAPITAL LOSS CARRYBACKS.—

Ante, p. 638.
26 USC 1212.

Post, p. 654.

68A Stat. 195.

26 USC 851.

74 Stat. 1004.

80 Stat. 1150;
81 Stat. 731.

76 Stat. 889;
78 Stat. 47.
Post, p. 666.

26 USC 6065.

72 Stat. 1663;
76 Stat. 890.
26 USC 6501.

76 Stat. 889.
26 USC 172.

81 Stat. 731.

68A Stat. 808;
76 Stat. 891.

(1) ASSESSMENT AND COLLECTION.—Section 6501 (relating to limitations on assessment and collection) is amended—

(A) by striking out “LOSS CARRYBACKS” in the heading of subsection (h) and inserting in lieu thereof “LOSS OR CAPITAL LOSS CARRYBACKS”,

(B) by striking out “loss carryback” in subsection (h) and inserting in lieu thereof “loss carryback or a capital loss carryback”,

(C) by striking out “operating loss which” in subsection (h) and inserting in lieu thereof “operating loss or net capital loss which”,

(D) by striking out “assessed, or within 18 months” and all that follows thereafter in subsection (h) and inserting in lieu thereof “assessed. In the case of a deficiency attributable to the application of a net operating loss carryback, such deficiency may be assessed within 18 months after the date on which the taxpayer files in accordance with section 172(b)(3) a copy of the certification (with respect to the taxable year of the net operating loss) issued under section 317 of the Trade Expansion Act of 1962, if later than the date prescribed by the preceding sentence.”,

(E) by striking out “loss carryback” in subsection (j) and inserting in lieu thereof “loss carryback or a capital loss carryback”, and

(F) by striking out “net operating loss carryback or an investment credit carryback” in subsection (m) and inserting in lieu thereof “net operating loss carryback, a capital loss carryback, or an investment credit carryback”.

(2) CREDIT OR REFUND.—Subsection (d) of section 6511 (relating to limitations on credit or refund) is amended—

(A) by striking out “LOSS CARRYBACKS” in the heading of paragraph (2) and inserting in lieu thereof “LOSS OR CAPITAL LOSS CARRYBACKS”,

(B) by striking out “loss carryback” in that part of paragraph (2)(A) which precedes clause (i) thereof and inserting in lieu thereof “loss carryback or a capital loss carryback”,

(C) by striking out “operating loss which” in that part of paragraph (2)(A) which precedes clause (i) thereof and inserting in lieu thereof “operating loss or net capital loss which”,

(D) by striking out “loss carryback” in the first sentence of paragraph (2)(B)(i) and inserting in lieu thereof “loss carryback or a capital loss carryback”.

(E) by amending the last sentence of paragraph (2)(B)(i) to read as follows: “In the case of any such claim for credit or refund or any such application for a tentative carryback adjustment, the determination by any court, including the Tax Court, in any proceeding in which the decision of the court has become final, shall be conclusive except with respect to the net operating loss deduction, and the effect of such deduction, or with respect to the determination of a short-term capital loss, and the effect of such short-term capital loss, to the extent that such deduction or short-term capital loss is affected by a carryback which was not an issue in such proceeding.”,

(F) by striking out “loss carryback” in paragraph (2)(B)(ii) and inserting in lieu thereof “loss carryback or a capital loss carryback, as the case may be,”, and

(G) by striking out "loss carryback" in paragraph (4)(A) and inserting in lieu thereof "loss carryback or a capital loss carryback".

(3) INTEREST ON UNDERPAYMENTS.—Section 6601(e) (relating to computation of interest in case of carryback or adjustment for certain unused deductions) is amended—

81 Stat. 731.

(A) by striking out "LOSS CARRYBACK" in the heading of paragraph (1) and inserting in lieu thereof "LOSS OR CAPITAL LOSS CARRYBACK";

(B) by striking out "net operating loss" wherever it appears in paragraph (1) and inserting in lieu thereof "net operating loss or net capital loss", and

(C) by striking out "loss carryback" in paragraph (2) and inserting in lieu thereof "loss carryback or a capital loss carryback".

(4) INTEREST ON OVERPAYMENTS.—Section 6611(f) (relating to interest in case of refund of income tax caused by carryback or adjustment for certain unused deductions) is amended—

76 Stat. 972.

(A) by striking out "LOSS CARRYBACK" in the heading of paragraph (1) and inserting in lieu thereof "LOSS OR CAPITAL LOSS CARRYBACK";

(B) by striking out "net operating loss" wherever it appears in paragraph (1) and inserting in lieu thereof "net operating loss or net capital loss", and

(C) by striking out "loss carryback" in paragraph (2) and inserting in lieu thereof "loss carryback or a capital loss carryback".

(f) TECHNICAL AMENDMENTS.—

(1) The heading of section 1212 is amended by striking out "CARRYOVER" and inserting in lieu thereof "CARRYBACKS AND CARRYOVERS".

68A Stat. 74.

(2) The item relating to section 1212 in the table of sections for part II of subchapter P of chapter 1 is amended by striking out "carryover" and inserting in lieu thereof "carrybacks and carryovers".

(3) Section 246(b)(1) (relating to dividends received deduction) is amended by striking out "and 247" and inserting in lieu thereof "and 247, and without regard to any capital loss carryback to the taxable year under section 1212(a)(1)."

(4) Section 481(b)(3)(A) (relating to changes in method of accounting) is amended by striking out "loss carryover" and inserting in lieu thereof "loss carryback or carryover".

(5) Section 535(b)(6) (relating to improper accumulations of surplus) is amended—

(A) by striking out "capital loss carryover" in the first sentence and inserting in lieu thereof "capital loss carryback or carryover", and

(B) by striking out "capital loss carryover" in subparagraph (B) and inserting in lieu thereof "capital loss carryback and carryover".

72 Stat. 1631.

(6) Paragraph (7) of section 535(b) (relating to treatment of capital loss carryovers) is amended to read as follows:

"(7) CAPITAL LOSS.—No allowance shall be made for the capital loss carryback or carryover provided in section 1212."

(7) Section 1314(a) (relating to mitigation of limitations) is amended by striking out "capital loss carryover" and inserting in lieu thereof "capital loss carryback or carryover".

76 Stat. 972.

26 USC 6601.

68A Stat. 340.
26 USC 1314.

(8) The last sentence of section 1314(b) (relating to method of adjustment) is amended to read as follows: "In the case of an adjustment resulting from an increase or decrease in a net operating loss or net capital loss which is carried back to the year of adjustment, interest shall not be collected or paid for any period prior to the close of the taxable year in which the net operating loss or net capital loss arises."

(g) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to net capital losses sustained in taxable years beginning after December 31, 1969.

SEC. 513. CAPITAL LOSSES OF INDIVIDUALS.

(a) **LIMITATION ON ALLOWANCE OF CAPITAL LOSSES.**—Section 1211(b) (relating to limitation on capital losses of taxpayers other than corporations) is amended to read as follows:

"(b) **OTHER TAXPAYERS.**—

"(1) **IN GENERAL.**—In the case of a taxpayer other than a corporation, losses from sales or exchanges of capital assets shall be allowed only to the extent of the gains from such sales or exchanges, plus (if such losses exceed such gains) whichever of the following is smallest:

"(A) the taxable income for the taxable year,

"(B) \$1,000, or

"(C) the sum of—

"(i) the excess of the net short-term capital loss over the net long-term capital gain, and

"(ii) one-half of the excess of the net long-term capital loss over the net short-term capital gain.

"(2) **MARRIED INDIVIDUALS.**—In the case of a husband or wife who files a separate return, the amount specified in paragraph (1)(B) shall be \$500 in lieu of \$1,000.

"(3) **COMPUTATION OF TAXABLE INCOME.**—For purposes of paragraph (1), taxable income shall be computed without regard to gains or losses from sales or exchanges of capital assets and without regard to the deductions provided in section 151 (relating to personal exemptions) or any deduction in lieu thereof. If the taxpayer elects to pay the optional tax imposed by section 3, 'taxable income' as used in this subsection shall read as 'adjusted gross income'."

(b) **CAPITAL LOSS CARRYOVER.**—Section 1212(b) (relating to capital loss carryover of taxpayers other than corporations) is amended by striking out "beginning after December 31, 1963" at the beginning of paragraph (1), by striking out the last sentence of paragraph (1), and by striking out paragraph (2) and inserting in lieu thereof the following new paragraphs:

"(2) **SPECIAL RULES.**—

"(A) For purposes of determining the excess referred to in paragraph (1)(A), an amount equal to the amount allowed for the taxable year under section 1211(b)(1)(A), (B), or (C) shall be treated as a short-term capital gain in such year.

"(B) For purposes of determining the excess referred to in paragraph (1)(B), an amount equal to the sum of—

"(i) the amount allowed for the taxable year under section 1211(b)(1)(A), (B), or (C), and

"(ii) the excess of the amount described in clause (i) over the net short-term capital loss (determined without regard to this subsection) for such year,

shall be treated as a short-term capital gain in such year.

Post, p. 675.

78 Stat. 99.

(3) TRANSITIONAL RULE.—In the case of any amount which, under paragraph (1) and section 1211(b) (as in effect for taxable years beginning before January 1, 1970), is treated as a capital loss in the first taxable year beginning after December 31, 1969, paragraph (1) and section 1211(b) (as in effect for taxable years beginning before January 1, 1970) shall apply (and paragraph (1) and section 1211(b) as in effect for taxable years beginning after December 31, 1969, shall not apply) to the extent such amount exceeds the total of any net capital gains (determined without regard to this subsection) of taxable years beginning after December 31, 1969.”

Ante, p. 642.

(c) **CONFORMING AMENDMENT.**—Section 1222(9) (defining net capital gain) is amended by striking out “In the case of a corporation, the” and inserting in lieu thereof “The”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 1969.

SEC. 514. LETTERS, MEMORANDUMS, ETC.

(a) **TREATMENT AS PROPERTY WHICH IS NOT A CAPITAL ASSET.**—Section 1221(3) (relating to definition of capital asset) is amended to read as follows:

“(3) a copyright, a literary, musical, or artistic composition, a letter or memorandum, or similar property, held by—

“(A) a taxpayer whose personal efforts created such property,

“(B) in the case of a letter, memorandum, or similar property, a taxpayer for whom such property was prepared or produced, or

“(C) a taxpayer in whose hands the basis of such property is determined, for purposes of determining gain from a sale or exchange, in whole or part by reference to the basis of such property in the hands of a taxpayer described in subparagraph (A) or (B);”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 341(e)(5)(A)(iv) (relating to definition of subsection (e) asset in the case of collapsible corporations) is amended to read as follows:

“(iv) property (unless included under clause (i), (ii), or (iii)) which consists of a copyright, a literary, musical, or artistic composition, a letter or memorandum, or similar property, or any interest in any such property, if the property was created in whole or in part by the personal efforts of, or (in the case of a letter, memorandum, or similar property) was prepared, or produced in whole or in part for, any individual who owns more than 5 percent in value of the stock of the corporation.”

(2) Section 1231(b)(1)(C) (relating to definition of property used in the trade or business) is amended by inserting “, a letter or memorandum” before “, or similar property”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to sales and other dispositions occurring after July 25, 1969.

SEC. 515. TOTAL DISTRIBUTIONS FROM QUALIFIED PENSION, ETC., PLANS.

(a) **LIMITATION ON CAPITAL GAINS TREATMENT.**—

(1) **EMPLOYEES' TRUST.**—Section 402(a) (relating to taxability of beneficiary of exempt trust) is amended by adding at the end thereof the following new paragraph:

“(5) **LIMITATION ON CAPITAL GAINS TREATMENT.**—The first

78 Stat. 100.
26 USC 1222.

68A Stat. 321.

72 Stat. 1618.

68A Stat. 135;
74 Stat. 79.

sentence of paragraph (2) shall apply to a distribution paid after December 31, 1969, only to the extent that it does not exceed the sum of—

“(A) the benefits accrued by the employee on behalf of whom it is paid during plan years beginning before January 1, 1970, and

“(B) the portion of the benefits accrued by such employee during plan years beginning after December 31, 1969, which the distributee establishes does not consist of the employee's allocable share of employer contributions to the trust by which such distribution is paid.

The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.”

(2) **EMPLOYEE ANNUITIES.**—Section 403(a)(2) (relating to capital gains treatment for certain distributions under a qualified annuity plan) is amended by adding at the end thereof the following new subparagraph:

“(C) **LIMITATION ON CAPITAL GAINS TREATMENT.**—Subparagraph (A) shall apply to a payment paid after December 31, 1969, only to the extent it does not exceed the sum of—

“(i) the benefits accrued by the employee on behalf of whom it is paid during plan years beginning before January 1, 1970, and

“(ii) the portion of the benefits accrued by such employee during plan years beginning after December 31, 1969, which the payee establishes does not consist of the employee's allocable share of employer contributions under the plan under which the annuity contract is purchased.

The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this subparagraph.”

(b) **LIMITATION ON TAX.**—Section 72(n) (relating to treatment of certain distributions with respect to contributions by self-employed individuals) is amended—

(1) by striking out so much thereof as precedes paragraph (2) and inserting in lieu thereof the following:

“(n) **TREATMENT OF TOTAL DISTRIBUTIONS.**—

“(1) **APPLICATION OF SUBSECTION.**—

“(A) **GENERAL RULE.**—This subsection shall apply to amounts—

“(i) distributed to a distributee, in the case of an employees' trust described in section 401(a) which is exempt from tax under section 501(a), or

“(ii) paid to a payee, in the case of an annuity plan described in section 403(a),

if the total distributions or amounts payable to the distributee or payee with respect to an employee (including an individual who is an employee within the meaning of section 401(c)(1)) are paid to the distributee or payee within one taxable year of the distributee or payee, but only to the extent that section 402(a)(2) or 403(a)(2)(A) does not apply to such amounts.

“(B) **DISTRIBUTIONS TO WHICH APPLICABLE.**—This subsection shall apply only to distributions or amounts paid—

“(i) on account of the employee's death,

“(ii) with respect to an individual who is an employee without regard to section 401(c)(1), on account of his separation from the service,

“(iii) with respect to an employee within the meaning of section 401(c)(1), after he has attained the age of 59½ years, or

26 USC 401.

“(iv) with respect to an employee within the meaning of section 401(c)(1), after he has become disabled (within the meaning of subsection (m)(7)).

(C) **MINIMUM PERIOD OF SERVICE.**—This subsection shall apply to amounts distributed or paid to an employee from or under a plan only if he has been a participant in the plan for 5 or more taxable years prior to the taxable year in which such amounts are distributed or paid.

(D) **AMOUNTS SUBJECT TO PENALTY.**—This subsection shall not apply to amounts described in clauses (ii) and (iii) of subparagraph (A) of subsection (m)(5) (but, in the case of amounts described in clause (ii) of such subparagraph, only to the extent that subsection (m)(5) applies to such amounts).”; and

(2) by adding at the end thereof the following new paragraph:

“(4) **SPECIAL RULE FOR EMPLOYEES WITHOUT REGARD TO SECTION 401(c)(1).**—In the case of amounts to which this subsection applies which are distributed or paid with respect to an individual who is an employee without regard to section 401(c)(1), paragraph (2) shall be applied with the following modifications:

“(A) ‘7 times’ shall be substituted for ‘5 times’, and ‘14½ percent’ shall be substituted for ‘20 percent’.

“(B) Any amount which is received during the taxable year by the employee as compensation (other than as deferred compensation within the meaning of section 404) for personal services performed for the employer in respect of whom the amounts distributed or paid are received shall not be taken into account.

“(C) No portion of the total distributions or amounts payable (of which the amounts distributed or paid are a part) to which section 402(a)(2) or 403(a)(2)(A) applies shall be taken into account.

Subparagraph (B) shall not apply if the employee has not attained the age of 59½ years, unless he has died or become disabled (within the meaning of subsection (m)(7)).”

(c) **TECHNICAL AND CONFORMING AMENDMENTS.**—

76 Stat. 827.

(1) Section 405(e) (relating to capital gains treatment not to apply to bonds distributed by trusts) is amended—

(A) by striking out “**CAPITAL GAINS TREATMENT**” in the heading and inserting in lieu thereof “**CAPITAL GAINS TREATMENT AND LIMITATION OF TAX**”;

(B) by striking out “Section 402(a)(2)” and inserting in lieu thereof “Section 72(n) and section 402(a)(2)”; and

(C) by striking out “section” and inserting in lieu thereof “sections”.

(2) Section 406(c) (relating to termination of status as deemed employee not to be treated as separation from service for purposes of capital gain provisions) is amended—

(A) by striking out “**PROVISIONS.**” in the heading and inserting in lieu thereof “**PROVISIONS AND LIMITATION OF TAX.**”; and

78 Stat. 59.

26 USC 402.

78 Stat. 61.

78 Stat. 108.

68A Stat. 295;
Ante, p. 579.26 USC 1014,
1015.

68A Stat. 325.

(B) by striking out “section 402(a)(2)” and inserting in lieu thereof “section 72(n), section 402(a)(2),”.

(3) Section 407(c) (relating to termination of status as deemed employee not to be treated as separation from service for purposes of capital gain provisions) is amended—

(A) by striking out “PROVISIONS.” in the heading and inserting in lieu thereof “PROVISIONS AND LIMITATION OF TAX.”; and

(B) by striking out “section 402(a)(2)” and inserting in lieu thereof “section 72(n), section 402(a)(2),”.

(4) Section 1304(b)(2) (relating to certain provisions inapplicable) is amended to read as follows:

“(2) section 72(n)(2) (relating to limitation of tax in case of total distribution),”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending after December 31, 1969.

SEC. 516. OTHER CHANGES IN CAPITAL GAINS TREATMENT.

(a) **SALES OF TERM INTERESTS.**—Section 1001 (relating to determination of amount of and recognition of gain or loss) is amended by adding at the end thereof the following new subsection:

“(e) CERTAIN TERM INTERESTS.—

“(1) **IN GENERAL.**—In determining gain or loss from the sale or other disposition of a term interest in property, that portion of the adjusted basis of such interest which is determined pursuant to section 1014 or 1015 (to the extent that such adjusted basis is a portion of the entire adjusted basis of the property) shall be disregarded.

“(2) **TERM INTEREST IN PROPERTY DEFINED.**—For purposes of paragraph (1), the term ‘term interest in property’ means—

“(A) a life interest in property,

“(B) an interest in property for a term of years, or

“(C) an income interest in a trust.

“(3) **EXCEPTION.**—Paragraph (1) shall not apply to a sale or other disposition which is a part of a transaction in which the entire interest in property is transferred to any person or persons.”

(b) CERTAIN CASUALTY LOSSES UNDER SECTION 1231.—Section 1231

(a) (relating to property used in the trade or business and involuntary conversions) is amended by striking out all that follows paragraph (1) and inserting in lieu thereof the following:

“(2) losses (including losses not compensated for by insurance or otherwise) upon the destruction, in whole or in part, theft or seizure, or requisition or condemnation of (A) property used in the trade or business or (B) capital assets held for more than 6 months shall be considered losses from a compulsory or involuntary conversion.

In the case of any involuntary conversion (subject to the provisions of this subsection but for this sentence) arising from fire, storm, shipwreck, or other casualty, or from theft, of any property used in the trade or business or of any capital asset held for more than 6 months, this subsection shall not apply to such conversion (whether resulting in gain or loss) if during the taxable year the recognized losses from such conversions exceed the recognized gains from such conversions.”

(c) TRANSFERS OF FRANCHISES, TRADEMARKS AND TRADE NAMES.—

(1) IN GENERAL.—Part IV of subchapter P of chapter 1 (relating to special rules for determining capital gains and losses) is amended by adding after section 1252 (added by section 214 of this Act) the following new section:

***SEC. 1253. TRANSFERS OF FRANCHISES, TRADEMARKS, AND TRADE NAMES.**

“(a) GENERAL RULE.—A transfer of a franchise, trademark, or trade name shall not be treated as a sale or exchange of a capital asset if the transferor retains any significant power, right, or continuing interest with respect to the subject matter of the franchise, trademark, or trade name.

“(b) DEFINITIONS.—For purposes of this section—

“(1) FRANCHISE.—The term ‘franchise’ includes an agreement which gives one of the parties to the agreement the right to distribute, sell, or provide goods, services, or facilities, within a specified area.

“(2) SIGNIFICANT POWER, RIGHT, OR CONTINUING INTEREST.—The term ‘significant power, right, or continuing interest’ includes, but is not limited to, the following rights with respect to the interest transferred:

“(A) A right to disapprove any assignment of such interest, or any part thereof.

“(B) A right to terminate at will.

“(C) A right to prescribe the standards of quality of products used or sold, or of services furnished, and of the equipment and facilities used to promote such products or services.

“(D) A right to require that the transferee sell or advertise only products or services of the transferor.

“(E) A right to require that the transferee purchase substantially all of his supplies and equipment from the transferor.

“(F) A right to payments contingent on the productivity, use, or disposition of the subject matter of the interest transferred, if such payments constitute a substantial element under the transfer agreement.

“(3) TRANSFER.—The term ‘transfer’ includes the renewal of a franchise, trademark, or trade name.

“(c) TREATMENT OF CONTINGENT PAYMENTS BY TRANSFEROR.—

Amounts received or accrued on account of a transfer, sale, or other disposition of a franchise, trademark, or trade name which are contingent on the productivity, use, or disposition of the franchise, trademark, or trade name transferred shall be treated as amounts received or accrued from the sale or other disposition of property which is not a capital asset.

“(d) TREATMENT OF PAYMENTS BY TRANSFeree.—

“(1) CONTINGENT PAYMENTS.—Amounts paid or incurred during the taxable year on account of a transfer, sale, or other disposition of a franchise, trademark, or trade name which are contingent on the productivity, use, or disposition of the franchise, trademark, or trade name transferred shall be allowed as a deduction under section 162(a) (relating to trade or business expenses).

“(2) OTHER PAYMENTS.—If a transfer of a franchise, trademark, or trade name is not (by reason of the application of subsection (a)) treated as a sale or exchange of a capital asset, any

payment not described in paragraph (1) which is made in discharge of a principal sum agreed upon in the transfer agreement shall be allowed as a deduction—

“(A) in the case of a single payment made in discharge of such principal sum, ratably over the taxable years in the period beginning with the taxable year in which the payment is made and ending with the ninth succeeding taxable year or ending with the last taxable year beginning in the period of the transfer agreement, whichever period is shorter;

“(B) in the case of a payment which is one of a series of approximately equal payments made in discharge of such principal sum, which are payable over—

“(i) the period of the transfer agreement, or

“(ii) a period of more than 10 taxable years, whether ending before or after the end of the period of the transfer agreement,

in the taxable year in which the payment is made; and

“(C) in the case of any other payment, in the taxable year or years specified in regulations prescribed by the Secretary or his delegate, consistently with the preceding provisions of this paragraph.

“(e) EXCEPTION.—This section shall not apply to the transfer of a franchise to engage in professional football, basketball, baseball, or other professional sport.”

(2) CONFORMING AMENDMENTS.—

(A) Section 162(h) (as redesignated by section 902) is amended by striking out “For” and inserting in lieu thereof

“(1) For”, and by adding at the end thereof the following:

“(2) For special rule relating to the treatment of payments by a transferee of a franchise, trademark, or trade name, see section 1253.”

(B) Section 1016(a) (relating to adjustments to basis) is amended by striking out the period at the end of paragraph (21) and inserting in lieu thereof a semicolon, and by inserting after paragraph (21) the following new paragraph:

“(22) for amounts allowed as deductions for payments made on account of transfers of franchises, trademarks, or trade names under section 1253(d)(2).”

(C) The table of sections for part IV of subchapter P of chapter 1 is amended by adding at the end thereof the following new item:

“Sec. 1253. Transfers of franchises, trademarks, and trade names.”

(d) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall apply to sales or other dispositions after October 9, 1969.

(2) The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 1969.

(3) The amendments made by subsection (c) shall apply to transfers after December 31, 1969, except that section 1253(d)(1) of the Internal Revenue Code of 1954 (as added by subsection (c)) shall, at the election of the taxpayer (made at such time and in such manner as the Secretary or his delegate may by regulations prescribe), apply to transfers before January 1, 1970, but only with respect to payments made in taxable years ending after December 31, 1969, and beginning before January 1, 1980.

Post, p. 710.

68A Stat. 299;
78 Stat. 93.
26 USC 1016.

Ante, p. 647.

Subtitle C—Real Estate Depreciation

SEC. 521. DEPRECIATION OF REAL ESTATE.

(a) SECTION 1250 PROPERTY AND REHABILITATION PROPERTY.—Section 167 (relating to depreciation) is amended by redesignating subsection (j) as subsection (m), and by inserting after subsection (i) the following new subsections:

“(j) SPECIAL RULES FOR SECTION 1250 PROPERTY.—

“(1) GENERAL RULE.—Except as provided in paragraphs (2) and (3), in the case of section 1250 property, subsection (b) shall not apply and the term ‘reasonable allowance’ as used in subsection (a) shall include an allowance computed in accordance with regulations prescribed by the Secretary or his delegate, under any of the following methods:

“(A) the straight line method,

“(B) the declining balance method, using a rate not exceeding 150 percent of the rate which would have been used had the annual allowance been computed under the method described in subparagraph (A), or

“(C) any other consistent method productive of an annual allowance which, when added to all allowances for the period commencing with the taxpayer’s use of the property and including the taxable year, does not, during the first two-thirds of the useful life of the property, exceed the total of such allowances which would have been used had such allowances been computed under the method described in subparagraph (B).

Nothing in this paragraph shall be construed to limit or reduce an allowance otherwise allowable under subsection (a) except where allowable solely by reason of paragraph (2), (3), or (4) of subsection (b).

“(2) RESIDENTIAL RENTAL PROPERTY.—

“(A) IN GENERAL.—Paragraph (1) of this subsection shall not apply, and subsection (b) shall apply in any taxable year, to a building or structure—

“(i) which is residential rental property located within the United States or any of its possessions, or located within a foreign country if a method of depreciation for such property comparable to the method provided in subsection (b) (2) or (3) is provided by the laws of such country, and

“(ii) the original use of which commences with the taxpayer.

In the case of residential rental property located within a foreign country, the original use of which commences with the taxpayer, if the allowance for depreciation provided under the laws of such country for such property is greater than that provided under paragraph (1) of this subsection, but less than that provided under subsection (b), the allowance for depreciation under subsection (b) shall be limited to the amount provided under the laws of such country.

“(B) DEFINITION.—For purposes of subparagraph (A), a building or structure shall be considered to be residential rental property for any taxable year only if 80 percent or more of the gross rental income from such building or structure for such year is rental income from dwelling units (within the meaning of subsection (k)(3)(C)). For purposes of the preceding sentence, if any portion of such building or structure is occupied by the taxpayer, the gross rental

80 Stat. 1513;
Ante, p. 625.
26 USC 167.

income from such building or structure shall include the rental value of the portion so occupied.

“(C) CHANGE IN METHOD OF DEPRECIATION.—Any change in the computation of the allowance for depreciation for any taxable year, permitted or required by reason of the application of subparagraph (A), shall not be considered a change in a method of accounting.

“(3) PROPERTY CONSTRUCTED, ETC., BEFORE JULY 25, 1969.—Paragraph (1) of this subsection shall not apply, and subsection (b) shall apply, in the case of property—

“(A) the construction, reconstruction, or erection of which was begun before July 25, 1969, or

“(B) for which a written contract entered into before July 25, 1969, with respect to any part of the construction, reconstruction, or erection or for the permanent financing thereof, was on July 25, 1969, and at all times thereafter, binding on the taxpayer.

“(4) USED SECTION 1250 PROPERTY.—Except as provided in paragraph (5), in the case of section 1250 property acquired after July 24, 1969, the original use of which does not commence with the taxpayer, the allowance for depreciation under this section shall be limited to an amount computed under—

“(A) the straight line method, or

“(B) any other method determined by the Secretary or his delegate to result in a reasonable allowance under subsection (a), not including—

“(i) any declining balance method,

“(ii) the sum of the years-digits method, or

“(iii) any other method allowable solely by reason of the application of subsection (b)(4) or paragraph (1)(C) of this subsection.

“(5) USED RESIDENTIAL RENTAL PROPERTY.—In the case of section 1250 property which is residential rental property (as defined in paragraph (2)(B)) acquired after July 24, 1969, having a useful life of 20 years or more, the original use of which does not commence with the taxpayer, the allowance for depreciation under this section shall be limited to an amount computed under—

“(A) the straight line method,

“(B) the declining balance method, using a rate not exceeding 125 percent of the rate which would have been used had the annual allowance been computed under the method described in subparagraph (A), or

“(C) any other method determined by the Secretary or his delegate to result in a reasonable allowance under subsection (a), not including—

“(i) the sum of the years-digits method,

“(ii) any declining balance method using a rate in excess of the rate permitted under subparagraph (B), or

“(iii) any other method allowable solely by reason of the application of subsection (b)(4) or paragraph (1)(C) of this subsection.

“(6) SPECIAL RULES.—

“(A) Under regulations prescribed by the Secretary or his delegate, rules similar to the rules provided in paragraphs (5), (9), (10), and (13) of section 48(h) shall be applied for purposes of paragraphs (3), (4), and (5) of this subsection.

“(B) For purposes of paragraphs (2), (4), and (5), if section 1250 property which is not property described in subsection (a) when its original use commences, becomes property described in subsection (a) after July 24, 1969, such property shall not be treated as property the original use of which commences with the taxpayer.

“(C) Paragraphs (4) and (5) shall not apply in the case of section 1250 property acquired after July 24, 1969, pursuant to a written contract for the acquisition of such property or for the permanent financing thereof, which was, on July 24, 1969, and at all times thereafter, binding on the taxpayer.

“(k) DEPRECIATION OF EXPENDITURES TO REHABILITATE LOW-INCOME RENTAL HOUSING.—

“(1) **60-MONTH RULE.**—The taxpayer may elect, in accordance with regulations prescribed by the Secretary or his delegate, to compute the depreciation deduction provided by subsection (a) attributable to rehabilitation expenditures incurred with respect to low-income rental housing after July 24, 1969, and before January 1, 1975, under the straight line method using a useful life of 60 months and no salvage value. Such method shall be in lieu of any other method of computing the depreciation deduction under subsection (a), and in lieu of any deduction for amortization, for such expenditures.

“(2) LIMITATIONS.—

“(A) The aggregate amount of rehabilitation expenditures paid or incurred by the taxpayer with respect to any dwelling unit in any low-income rental housing which may be taken into account under paragraph (1) shall not exceed \$15,000.

“(B) Rehabilitation expenditures paid or incurred by the taxpayer in any taxable year with respect to any dwelling unit in any low-income rental housing shall be taken into account under paragraph (1) only if over a period of two consecutive years, including the taxable year, the aggregate amount of such expenditures exceeds \$3,000.

“(3) DEFINITIONS.—For purposes of this subsection—

“(A) **REHABILITATION EXPENDITURES.**—The term ‘rehabilitation expenditures’ means amounts chargeable to capital account and incurred for property or additions or improvements to property (or related facilities) with a useful life of 5 years or more, in connection with the rehabilitation of an existing building for low-income rental housing; but such term does not include the cost of acquisition of such building or any interest therein.

“(B) **LOW-INCOME RENTAL HOUSING.**—The term ‘low-income rental housing’ means any building the dwelling units in which are held for occupancy on a rental basis by families and individuals of low or moderate income, as determined by the Secretary or his delegate in a manner consistent with the policies of the Housing and Urban Development Act of 1968 pursuant to regulations prescribed under this subsection.

“(C) **DWELLING UNIT.**—The term ‘dwelling unit’ means a house or an apartment used to provide living accommodations in a building or structure, but does not include a unit in a hotel, motel, inn, or other establishment more than one-half of the units in which are used on a transient basis.”

78 Stat. 100.
26 USC 1250.

68A Stat. 325.

75 Stat. 150;
82 Stat. 498.
12 USC 1715l,
1715z-1.
Post, p. 718.

Ante, p. 649.

Ante, p. 651.

(b) RECAPTURE OF ADDITIONAL DEPRECIATION.—Section 1250(a) (relating to gain from dispositions of certain depreciable realty) is amended to read as follows:

“(a) GENERAL RULE.—Except as otherwise provided in this section—

“(1) ADDITIONAL DEPRECIATION AFTER DECEMBER 31, 1969.—If section 1250 property is disposed of after December 31, 1969, the applicable percentage of the lower of—

“(A) that portion of the additional depreciation (as defined in subsection (b) (1) or (4)) attributable to periods after December 31, 1969, in respect of the property, or

“(B) the excess of—

“(i) the amount realized (in the case of a sale, exchange, or involuntary conversion), or the fair market value of such property (in the case of any other disposition), over

“(ii) the adjusted basis of such property,

shall be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231. Such gain shall be recognized notwithstanding any other provision of this subtitle.

“(C) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term ‘applicable percentage’ means—

“(i) in the case of section 1250 property disposed of pursuant to a written contract which was, on July 24, 1969, and at all times thereafter, binding on the owner of the property, 100 percent minus 1 percentage point for each full month the property was held after the date the property was held 20 full months;

“(ii) in the case of section 1250 property constructed, reconstructed, or acquired by the taxpayer before January 1, 1975, with respect to which a mortgage is insured under section 221(d)(3) or 236 of the National Housing Act, or housing is financed or assisted by direct loan or tax abatement under similar provisions of State or local laws, and with respect to which the owner is subject to the restrictions described in section 1039(b)(1)(B), 100 percent minus one percentage point for each full month the property was held after the date the property was held 20 full months;

“(iii) in the case of residential rental property (as defined in section 167(j)(2)(B)) other than that covered by clauses (i) and (ii), 100 percent minus 1 percentage point for each full month the property was held after the date the property was held 100 full months;

“(iv) in the case of section 1250 property with respect to which a depreciation deduction for rehabilitation expenditures was allowed under section 167(k), 100 percent minus 1 percentage point for each full month in excess of 100 full months after the date on which such property was placed in service; and

“(v) in the case of all other section 1250 property, 100 percent.

Clauses (i), (ii), and (iii) shall not apply with respect to the additional depreciation described in subsection (b)(4).

“(2) ADDITIONAL DEPRECIATION BEFORE JANUARY 1, 1970.—

“(A) IN GENERAL.—If section 1250 property is disposed of after December 31, 1963, and the amount determined under

paragraph (1)(B) exceeds the amount determined under paragraph (1)(A), then the applicable percentage of the lower of—

“(i) that portion of the additional depreciation attributable to periods before January 1, 1970, in respect of the property, or

“(ii) the excess of the amount determined under paragraph (1)(B) over the amount determined under paragraph (1)(A),

shall also be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231. Such gain shall be recognized notwithstanding any other provision of this subtitle.

“(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A) the term ‘applicable percentage’ means 100 percent minus 1 percentage point for each full month the property was held after the date on which the property was held for 20 full months.”

(c) ADDITIONAL DEPRECIATION.—Section 1250(b) (relating to definition of additional depreciation) is amended by adding at the end thereof the following new paragraph:

“(4) ADDITIONAL DEPRECIATION ATTRIBUTABLE TO REHABILITATION EXPENDITURES.—The term ‘additional depreciation’ also means, in the case of section 1250 property with respect to which a depreciation deduction for rehabilitation expenditures was allowed under section 167(k), the depreciation adjustments allowed under such section to the extent attributable to such property, except that, in the case of such property held for more than one year after the rehabilitation expenditures so allowed were incurred, it means such adjustments only to the extent that they exceed the amount of the depreciation adjustments which would have resulted if such adjustments had been determined under the straight line method of adjustment without regard to the useful life permitted under section 167(k).”

(d) CHANGE IN METHOD OF COMPUTING DEPRECIATION.—Section 167(e) (relating to depreciation) is amended by adding at the end thereof the following new paragraph:

“(3) CHANGE WITH RESPECT TO SECTION 1250 PROPERTY.—A taxpayer may, on or before the last day prescribed by law (including extensions thereof) for filing his return for his first taxable year beginning after July 24, 1969, and in such manner as the Secretary or his delegate shall by regulation prescribe, elect to change his method of depreciation in respect of section 1250 property (as defined in section 1250(c)) from any declining balance or sum of the years-digits method to the straight line method. An election may be made under this paragraph notwithstanding any provision to the contrary in an agreement under subsection (d).”

(e) TECHNICAL AND CONFORMING CHANGES.—

(1) Subsection (d) of section 1250 is amended by striking out “subsection (a)(1)” wherever it appears and inserting in lieu thereof “subsection (a).”

(2) Subsection (f) of section 1250 is amended—

(A) by striking out “subsection (a)(1)” in paragraph (1) and inserting in lieu thereof “subsection (a)”, and

26 USC 1231.

78 Stat. 101.

Ante, p. 651.

76 Stat. 1034.

78 Stat. 104.
26 USC 1250.

(B) by striking out paragraph (2) thereof and inserting in lieu thereof the following:

“(2) ORDINARY INCOME ATTRIBUTABLE TO AN ELEMENT.—For purposes of paragraph (1), the amount taken into account for any element shall be the sum of—

“(A) the amount (if any) determined by multiplying—

“(i) the amount which bears the same ratio to the lower of the amounts specified in subparagraph (A) or (B) of subsection (a)(1) for the section 1250 property as the additional depreciation for such element attributable to periods after December 31, 1969, bears to the sum of the additional depreciation for all elements attributable to periods after December 31, 1969, by

“(ii) the applicable percentage for such element, and

“(B) the amount (if any) determined by multiplying—

“(i) the amount which bears the same ratio to the lower of the amounts specified in subsection (a)(2)(A) (i) or (ii) for the section 1250 property as the additional depreciation for such element attributable to periods before January 1, 1970, bears to the sum of the additional depreciation for all elements attributable to periods before January 1, 1970, by

“(ii) the applicable percentage for such element.

For purposes of this paragraph, determinations with respect to any element shall be made as if it were a separate property.”

(f) CARRYOVERS IN CERTAIN CORPORATE ACQUISITIONS.—Section 381(c)(6) (relating to method of computing depreciation allowance) is amended to read as follows:

“(6) METHOD OF COMPUTING DEPRECIATION ALLOWANCE.—The acquiring corporation shall be treated as the distributor or transferor corporation for purposes of computing the depreciation allowance under subsections (b), (j), and (k) of section 167 on property acquired in a distribution or transfer with respect to so much of the basis in the hands of the acquiring corporation as does not exceed the adjusted basis in the hands of the distributor or transferor corporation.”

(g) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years ending after July 24, 1969.

Subtitle D—Subchapter S Corporations

SEC. 531. QUALIFIED PENSION, ETC., PLANS OF SMALL BUSINESS CORPORATIONS.

(a) IN GENERAL.—Subchapter S of chapter 1 (relating to election of certain small business corporations as to taxable status) is amended by adding at the end thereof the following new section:

“SEC. 1379. CERTAIN QUALIFIED PENSION, ETC., PLANS.

“(a) ADDITIONAL REQUIREMENT FOR QUALIFICATION OF STOCK BONUS OR PROFIT-SHARING PLANS.—A trust forming part of a stock bonus or profit-sharing plan which provides contributions or benefits for employees some or all of whom are shareholder-employees shall not constitute a qualified trust under section 401 (relating to qualified pension, profit-sharing, and stock bonus plans) unless the plan of which such trust is a part provides that forfeitures attributable to contributions deductible under section 404(a)(3) for any taxable year (beginning after December 31, 1970) of the employer with respect to which

68A Stat. 126.

Ante, pp. 625,
649.

72 Stat. 1650;
80 Stat. 113.
26 USC 1371-
1378.

it is an electing small business corporation may not inure to the benefit of any individual who is a shareholder-employee for such taxable year. A plan shall be considered as satisfying the requirement of this subsection for the period beginning with the first day of a taxable year and ending with the 15th day of the third month following the close of such taxable year, if all the provisions of the plan which are necessary to satisfy this requirement are in effect by the end of such period and have been made effective for all purposes with respect to the whole of such period.

(b) TAXABILITY OF SHAREHOLDER-EMPLOYEE BENEFICIARIES.—

“(1) INCLUSION OF EXCESS CONTRIBUTIONS IN GROSS INCOME.—

Notwithstanding the provisions of section 402 (relating to taxability of beneficiary of employees' trust), section 403 (relating to taxation of employee annuities), or section 405(d) (relating to taxability of beneficiaries under qualified bond purchase plans), an individual who is a shareholder-employee of an electing small business corporation shall include in gross income, for his taxable year in which or with which the taxable year of the corporation ends, the excess of the amount of contributions paid on his behalf which is deductible under section 404(a) (1), (2), or (3) by the corporation for its taxable year over the lesser of—

“(A) 10 percent of the compensation received or accrued by him from such corporation during its taxable year, or

“(B) \$2,500.

“(2) TREATMENT OF AMOUNTS INCLUDED IN GROSS INCOME.—Any amount included in the gross income of a shareholder-employee under paragraph (1) shall be treated as consideration for the contract contributed by the shareholder-employee for purposes of section 72 (relating to annuities).

“(3) DEDUCTION FOR AMOUNTS NOT RECEIVED AS BENEFITS.—If—

“(A) amounts are included in the gross income of an individual under paragraph (1), and

“(B) the rights of such individual (or his beneficiaries) under the plan terminate before payments under the plan which are excluded from gross income equal the amounts included in gross income under paragraph (1),

then there shall be allowed as a deduction, for the taxable year in which such rights terminate, an amount equal to the excess of the amounts included in gross income under paragraph (1) over such payments.

“(c) CARRYOVER OF AMOUNTS DEDUCTIBLE.—No amount deductible shall be carried forward under the second sentence of section 404(a) (3)(A) (relating to limits on deductible contributions under stock bonus and profit-sharing trusts) to a taxable year of a corporation with respect to which it is not an electing small business corporation from a taxable year (beginning after December 31, 1970) with respect to which it is an electing small business corporation.

“(d) SHAREHOLDER-EMPLOYEE.—For purposes of this section, the term 'shareholder-employee' means an employee or officer of an electing small business corporation who owns (or is considered as owning within the meaning of section 318(a)(1), on any day during the taxable year of such corporation, more than 5 percent of the outstanding stock of the corporation."

(b) CONFORMING AMENDMENT.—Section 62 (relating to adjusted gross income defined) is amended by inserting after paragraph (8) the following new paragraph:

“(9) PENSION, ETC., PLANS OF ELECTING SMALL BUSINESS CORPORATIONS.—The deduction allowed by section 1379(b)(3).”

26 USC 402.

Ante, pp. 591,
644.

68A Stat. 20.

68A Stat. 17;
78 Stat. 52.

Supra.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter S of chapter 1 is amended by adding at the end thereof the following new item:

“Sec. 1379. Certain qualified pensions, etc., plans.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years of electing small business corporations beginning after December 31, 1970.

TITLE VI—STATE AND LOCAL OBLIGATIONS

SEC. 601. ARBITRAGE BONDS.

68A Stat. 29;
82 Stat. 266.
26 USC 103.

(a) NOT TO BE TREATED AS TAX-EXEMPT OBLIGATIONS.—Section 103 (relating to interest on certain governmental obligations) is amended by redesignating subsection (d) as (e), and by inserting after subsection (c) the following new subsection:

“(d) ARBITRAGE BONDS.—

“(1) SUBSECTION (a)(1) NOT TO APPLY.—Except as provided in this subsection, any arbitrage bond shall be treated as an obligation not described in subsection (a)(1).

“(2) ARBITRAGE BOND.—For purposes of this subsection, the term ‘arbitrage bond’ means any obligation which is issued as part of an issue all or a major portion of the proceeds of which are reasonably expected to be used directly or indirectly—

“(A) to acquire securities (within the meaning of section 165(g)(2) (A) or (B)) or obligations (other than obligations described in subsection (a)(1)) which may be reasonably expected at the time of issuance of such issue, to produce a yield over the term of the issue which is materially higher (taking into account any discount or premium) than the yield on obligations of such issue, or

“(B) to replace funds which were used directly or indirectly to acquire securities or obligations described in subparagraph (A).

“(3) EXCEPTION.—Paragraph (1) shall not apply to any obligation—

“(A) which is issued as part of an issue substantially all of the proceeds of which are reasonably expected to be used to provide permanent financing for real property used or to be used for residential purposes for the personnel of an educational institution (within the meaning of section 151(e)(4)) which grants baccalaureate or higher degrees, or to replace funds which were so used, and

“(B) the yield on which over the term of the issue is not reasonably expected, at the time of issuance of such issue, to be substantially lower than the yield on obligations acquired or to be acquired in providing such financing.

This paragraph shall not apply with respect to any obligation for any period during which it is held by a person who is a substantial user of property financed by the proceeds of the issue of which such obligation is a part, or by a member of the family (within the meaning of section 318(a)(1)) of any such person.

68A Stat. 42.

26 USC 318.

(3) by striking out "January 1, 1970" the first time it appears in paragraph (2)(A) and inserting in lieu thereof "July 1, 1970", and

*Ante, p. 95.
26 USC 51.*

(4) by striking out paragraph (2)(A)(ii) and inserting in lieu thereof the following:

"(ii) a fraction, the numerator of which is the sum of the number of days in the taxable year occurring on and after the effective date of the surcharge and before January 1, 1970, plus one-half times the number of days in the taxable year occurring after December 31, 1969, and before July 1, 1970, and the denominator of which is the number of days in the entire taxable year."

(b) RECEIPT OF MINIMUM DISTRIBUTIONS.—Section 963(b) (relating to receipt of minimum distributions) is amended—

(1) by striking out "surcharge period" in the heading of paragraph (1) and inserting in lieu thereof "surcharge period ending before January 1, 1970";

(2) by striking out "1964" in the heading of paragraph (2) and inserting in lieu thereof "1964 and taxable years beginning in 1969 and ending in 1970 to the extent subparagraph (B) applies"; and

(3) by striking out the last two sentences and inserting in lieu thereof the following:

"In the case of a taxable year beginning before the surcharge period and ending within the surcharge period, or beginning within the surcharge period and ending after the surcharge period, or beginning before January 1, 1970, and ending after December 31, 1969, the required minimum distribution shall be equal to the sum of—

"(A) that portion of the minimum distribution which would be required if the provisions of paragraph (1) were applicable to the taxable year, which the number of days in such taxable year which are within the surcharge period and before January 1, 1970, bears to the total number of days in such taxable year,

"(B) that portion of the minimum distribution which would be required if the provisions of paragraph (2) were applicable to such taxable year, which the number of days in such taxable year which are within the surcharge period and after December 31, 1969, bears to the total number of days in such taxable year, and

"(C) that portion of the minimum distribution which would be required if the provisions of paragraph (3) were applicable to such taxable year, which the number of days in such taxable year which are not within the surcharge period bears to the total number of days in such taxable year.

As used in this subsection, the term 'surcharge period' means the period beginning January 1, 1968, and ending June 30, 1970."

(c) EFFECTIVE DATES.—The amendments made by subsections (a) and (b) shall apply to taxable years ending after December 31, 1969, and beginning before July 1, 1970.

Ante, p. 95.

SEC. 702. CONTINUATION OF EXCISE TAXES ON COMMUNICATION SERVICES AND ON AUTOMOBILES.

(a) **PASSENGER AUTOMOBILES.**—

(1) **IN GENERAL.**—Section 4061(a)(2)(A) (relating to tax on passenger automobiles, etc.) is amended to read as follows:

“(A) Articles enumerated in subparagraph (B) are taxable at whichever of the following rates is applicable:

“If the article is sold—	The tax rate is—
Before January 1, 1971	7 percent.
During 1971	5 percent.
During 1972	3 percent.
During 1973	1 percent.

The tax imposed by this subsection shall not apply with respect to articles enumerated in subparagraph (B) which are sold by the manufacturer, producer, or importer after December 31, 1973.”

(2) **CONFORMING AMENDMENT.**—Section 6412(a)(1) (relating to floor stocks refunds on passenger automobiles, etc.) is amended by striking out “January 1, 1970, January 1, 1971, January 1, 1972, or January 1, 1973”, and inserting in lieu thereof “January 1, 1971, January 1, 1972, January 1, 1973, or January 1, 1974”.

(b) **COMMUNICATIONS SERVICES.**—

(1) **CONTINUATION OF TAX.**—Section 4251(a)(2) (relating to tax on certain communications services) is amended by striking out the table and inserting in lieu thereof the following table:

“Amounts paid pursuant to bills first rendered—	Percent—
Before January 1, 1971	10
During 1971	5
During 1972	3
During 1973	1”.

(2) **CONFORMING AMENDMENT.**—Section 4251(b) (relating to termination of tax) is amended by striking out “January 1, 1973”, and inserting in lieu thereof “January 1, 1974”.

(3) **REPEAL OF SUBCHAPTER B OF CHAPTER 33.**—Section 105(b)(3) of the Revenue and Expenditure Control Act of 1968 (82 Stat. 266) is amended to read as follows:

“(3) **REPEAL OF SUBCHAPTER B OF CHAPTER 33.**—Effective with respect to amounts paid pursuant to bills first rendered on or after January 1, 1974, subchapter B of chapter 33 (relating to the tax on communications) is repealed. For purposes of the preceding sentence, in the case of communications services rendered before November 1, 1973, for which a bill has not been rendered before January 1, 1974, a bill shall be treated as having been first rendered on December 31, 1973. Effective January 1, 1974, the table of subchapters for chapter 33 is amended by striking out the item relating to such subchapter B.”

SEC. 703. TERMINATION OF INVESTMENT CREDIT.

(a) **IN GENERAL.**—Subpart B of part IV of subchapter A of chapter 1 (relating to rules for computing credit for investment in certain depreciable property) is amended by adding at the end thereof the following new section:

“SEC. 49. TERMINATION OF CREDIT.

“(a) **GENERAL RULE.**—For purposes of this subpart, the term ‘section 38 property’ does not include property—

“(1) the physical construction, reconstruction, or erection of which is begun after April 18, 1969, or

“(2) which is acquired by the taxpayer after April 18, 1969, other than pre-termination property.

“(b) PRE-TERMINATION PROPERTY.—For purposes of this section—

“(1) BINDING CONTRACTS.—Any property shall be treated as pre-termination property to the extent that such property is constructed, reconstructed, erected, or acquired pursuant to a contract which was, on April 18, 1969, and at all times thereafter, binding on the taxpayer.

“(2) EQUIPPED BUILDING RULE.—If—

“(A) pursuant to a plan of the taxpayer in existence on April 18, 1969 (which plan was not substantially modified at any time after such date and before the taxpayer placed the equipped building in service), the taxpayer has constructed, reconstructed, erected, or acquired a building and the machinery and equipment necessary to the planned use of the building by the taxpayer, and

“(B) more than 50 percent of the aggregate adjusted basis of all the property of a character subject to the allowance for depreciation making up such building as so equipped is attributable to either property the construction, reconstruction, or erection of which was begun by the taxpayer before April 19, 1969, or property the acquisition of which by the taxpayer occurred before such date,

then all property comprising such building as so equipped (and any incidental property adjacent to such building which is necessary to the planned use of the building) shall be pre-termination property. For purposes of subparagraph (B) of the preceding sentence, the rules of paragraphs (1) and (4) shall be applied. For purposes of this paragraph, a special purpose structure shall be treated as a building.

“(3) PLANT FACILITY RULE.—

“(A) GENERAL RULE.—If—

“(i) pursuant to a plan of the taxpayer in existence on April 18, 1969 (which plan was not substantially modified at any time after such date and before the taxpayer placed the plant facility in service), the taxpayer has constructed, reconstructed, or erected a plant facility, and either

“(ii) the construction, reconstruction, or erection of such plant facility was commenced by the taxpayer before April 19, 1969, or

“(iii) more than 50 percent of the aggregate adjusted basis of all the property of a character subject to the allowance for depreciation making up such plant facility is attributable to either property the construction, reconstruction, or erection of which was begun by the taxpayer before April 19, 1969, or property the acquisition of which by the taxpayer occurred before such date,

then all property comprising such plant facility shall be pre-termination property. For purposes of clause (iii) of the preceding sentence, the rules of paragraphs (1) and (4) shall be applied.

“(B) PLANT FACILITY DEFINED.—For purposes of this paragraph, the term ‘plant facility’ means a facility which does not include any building (or of which buildings constitute an insignificant portion) and which is—

“(i) a self-contained, single operating unit or processing operation,

“(ii) located on a single site, and

“(iii) identified, on April 18, 1969, in the purchasing and internal financial plans of the taxpayer as a single unitary project.

“(C) SPECIAL RULE.—For purposes of this subsection, if—

“(i) a certificate of convenience and necessity has been issued before April 19, 1969, by a Federal regulatory agency with respect to two or more plant facilities which are included under a single plan of the taxpayer to construct, reconstruct, or erect such plant facilities, and

“(ii) more than 50 percent of the aggregate adjusted basis of all the property of a character subject to the allowance for depreciation making up such plant facilities is attributable to either property the construction, reconstruction, or erection of which was begun by the taxpayer before April 19, 1969, or property the acquisition of which by the taxpayer occurred before such date,

such plant facilities shall be treated as a single plant facility.

“(D) COMMENCEMENT OF CONSTRUCTION.—For purposes of subparagraph (A)(ii), the construction, reconstruction, or erection of a plant facility shall not be considered to have commenced until construction, reconstruction, or erection has commenced at the site of such plant facility. The preceding sentence shall not apply if the site of such plant facility is not located on land.

“(4) MACHINERY OR EQUIPMENT RULE.—Any piece of machinery or equipment—

“(A) more than 50 percent of the parts and components of which (determined on the basis of cost) were held by the taxpayer on April 18, 1969, or are acquired by the taxpayer pursuant to a binding contract which was in effect on such date, for inclusion or use in such piece of machinery or equipment, and

“(B) the cost of the parts and components of which is not an insignificant portion of the total cost,
shall be treated as property which is pre-termination property.

“(5) CERTAIN LEASE-BACK TRANSACTIONS, ETC.—

“(A) Where a person who is a party to a binding contract described in paragraph (1) transfers rights in such contract (or in the property to which such contract relates) to another person but a party to such contract retains a right to use the property under a lease with such other person, then to the extent of the transferred rights such other person shall, for purposes of paragraph (1), succeed to the position of the transferor with respect to such binding contract and such property. In any case in which the lessor does not make an election under section 48(d)—

“(i) the preceding sentence shall apply only if a party to the contract retains the right to use the property under a lease for a term of at least 1 year; and

“(ii) if such use is retained (other than under a long-term lease), the lessor shall be deemed for the purposes of section 47 as having made a disposition of the property at such time as the lessee loses the right to use the property.

For purposes of clause (ii), if the lessee transfers the lease in a transfer described in paragraph (7), the lessee shall be considered as having the right to use of the property so long as the transferee has such use.

“(B) For purposes of subparagraph (A)—

“(i) a person who holds property (or rights in property) which is pre-termination property by reason of the application of paragraph (4) shall, with respect to such property, be treated as a party to a binding contract described in paragraph (1), and

“(ii) a corporation which is a member of the same affiliated group (as defined in paragraph (8)) as the transferor described in subparagraph (A) and which simultaneously with the transfer of property to another person acquires a right to use such property under a lease with such other person shall be treated as the transferor and as a party to the contract.

“(6) CERTAIN LEASE AND CONTRACT OBLIGATIONS.—

“(A) Where, pursuant to a binding lease or contract to lease in effect on April 18, 1969, a lessor or lessee is obligated to construct, reconstruct, erect, or acquire property specified in such lease or contract or in a related document filed before April 19, 1969, with a Federal regulatory agency, or property the specifications of which are readily ascertainable from the terms of such lease or contract or from such related document, any property so constructed, reconstructed, erected, or acquired by the lessor or lessee shall be pre-termination property. In the case of any project which includes property other than the property to be leased to such lessee, the preceding sentence shall be applied, in the case of the lessor, to such other property only if the binding leases and contracts with all lessees in effect on April 18, 1969, cover real property constituting 25 percent or more of the project (determined on the basis of rental value). For purposes of the preceding sentences of this paragraph, in the case of any project where one or more vendor-vendee relationships exist, such vendors and vendees shall be treated as lessors and lessees.

“(B) Where, in order to perform a binding contract or contracts in effect on April 18, 1969, (i) the taxpayer is required to construct, reconstruct, erect, or acquire property specified in any order of a Federal regulatory agency for which application was filed before April 19, 1969, (ii) the property is to be used to transport one or more products under such contract or contracts, and (iii) one or more parties to the contract or contracts are required to take or to provide more than 50 percent of the products to be transported over a substantial portion of the expected useful life of the property, then such property shall be pre-termination property.

“(C) Where, in order to perform a binding contract in effect on April 18, 1969, the taxpayer is required to construct, reconstruct, erect, or acquire property specified in the contract to be used to produce one or more products and (unless the other party to the contract is a State or a political subdivision of a State which is required by the contract to make substantial expenditures which benefit the taxpayer) the other party to the contract is required to take substantially all of the products to be produced over a substantial portion of the expected useful life of the property, then such property shall

be pre-termination property. For purposes of applying the preceding sentence in the case of a contract for the extraction of minerals, property shall be treated as specified in the contract if (i) the specifications for such property are readily ascertainable from the location and characteristics of the mineral properties specified in such contract from which the minerals are to be extracted; (ii) such property is necessary for and is to be used solely in the extraction of minerals under such contract; (iii) the physical construction, reconstruction, or erection of such property is begun by the taxpayer before April 19, 1970, such property is acquired by the taxpayer before April 19, 1970, or such property is constructed, reconstructed, erected, or acquired pursuant to a contract which was, on April 18, 1970, and at all times thereafter, binding on the taxpayer; (iv) such property is placed in service on or before December 31, 1972; (v) such contract is a fixed price contract (except for provisions for price changes under which the loss of the credit allowed by section 38 would not result in a price change); and (vi) such property is not placed in service to replace other property used in extracting minerals under such contract.

(7) CERTAIN TRANSFERS TO BE DISREGARDED.—

“(A) If property or rights under a contract are transferred in—

“(i) a transfer by reason of death,

“(ii) a transaction as a result of which the basis of the property in the hands of the transferee is determined by reference to its basis in the hands of the transferor by reason of the application of section 332, 351, 361, 371(a), 374(a), 721, or 731, or

“(iii) a sale of substantially all of the assets of the transferor pursuant to the terms of a contract, which was on April 18, 1969, and at all times thereafter, binding on the transferee,

and such property (or the property acquired under such contract) would be treated as pre-termination property in the hands of the decedent or the transferor, such property shall be treated as pre-termination property in the hands of the transferee.

“(B) If—

“(i) property or rights under a contract are acquired in a transaction to which section 334(b)(2) applies,

“(ii) the stock of the distributing corporation was acquired before April 19, 1969, or pursuant to a binding contract in effect April 18, 1969, and

“(iii) such property (or the property acquired under such contract) would be treated as pre-termination property in the hands of the distributing corporation,

such property shall be treated as pre-termination property in the hands of the distributee.

(8) PROPERTY ACQUIRED FROM AFFILIATED CORPORATION.—In the case of property acquired by a corporation which is a member of an affiliated group from another member of the same group—

“(A) such corporation shall be treated as having acquired such property on the date on which it was acquired by such other member,

68A Stat. 102-
245; 70 Stat. 402;
80 Stat. 1577.

68A Stat. 104;
80 Stat. 1576.

“(B) such corporation shall be treated as having entered into a binding contract for the construction, reconstruction, erection, or acquisition of such property on the date on which such other member entered into a contract for the construction, reconstruction, erection, or acquisition of such property, and

“(C) such corporation shall be treated as having commenced the construction, reconstruction, or erection of such property on the date on which such other member commenced such construction, reconstruction, or erection.

For purposes of this subsection and subsection (c), a contract between two corporations which are members of the same affiliated group shall not be treated as a binding contract as between such corporations, unless, at all times after June 30, 1969, and prior to the completion of performance of such contract, such corporations are not members of the same affiliated group. For purposes of the preceding sentences, the term ‘affiliated group’ has the meaning assigned to it by section 1504(a), except that all corporations shall be treated as includible corporations (without any exclusion under section 1504(b)).

“(9) BARGES FOR OCEAN-GOING VESSELS.—Barges specifically designed and constructed, reconstructed, erected, or acquired for use with ocean-going vessels which are designed to carry barges and which are pre-termination property, but not in excess of—

“(A) the number to be used with such vessels specified in applications for mortgage or construction loan insurance filed with the Secretary of Commerce on or before April 18, 1969, under title XI of the Merchant Marine Act, 1936, or

“(B) if subparagraph (A) does not apply and if more than 50 percent of the barges which the taxpayer establishes as necessary to the initial planned use of such vessels are pre-termination property (determined without regard to this paragraph), the number which the taxpayer establishes as so necessary,

together with the machinery and equipment to be installed on such barges and necessary for their planned use, shall be treated as pre-termination property.

“(10) CERTAIN NEW-DESIGN PRODUCTS.—Where—

“(A) on April 18, 1969, the taxpayer had undertaken a project to produce a product of a new design pursuant to binding contracts in effect on such date which—

“(i) were fixed-price contracts (except for provisions requiring or permitting price changes resulting from changes in rates of pay or costs of materials), and

“(ii) covered more than 50 percent of the entire production of such design to be delivered by the taxpayer before January 1, 1973, and

“(B) on or before April 18, 1969, more than 50 percent of the aggregate adjusted basis of all property of a character subject to the allowance for depreciation required to carry out such binding contracts was property the construction, reconstruction, or erection of which had been begun by the taxpayer, or had been acquired by the taxpayer (or was under a binding contract for such construction, reconstruction, erection, or acquisition),

then all tangible personal property placed in service by the taxpayer before January 1, 1972, which is required to carry out such binding contracts shall be deemed to be pre-termination property. For purposes of subparagraph (B) of the preceding sentence, jigs, dies, templates, and similar items which can be used only for the

68A Stat. 369.
26 USC 1504.

68 Stat. 1267;
73 Stat. 269, 272;
46 USC 1271-
1279b.

manufacture or assembly of the production under the project and which were described in written engineering and internal financial plans of the taxpayer in existence on April 18, 1969, shall be treated as property which on such date was under a binding contract for construction.

(c) LEASED PROPERTY.—In the case of property which is leased after April 18, 1969 (other than pursuant to a binding contract to lease entered into before April 19, 1969), which is section 38 property with respect to the lessor but is property which would not be section 38 property because of the application of subsection (a) if acquired by the lessee, and which is property of the same kind which the lessor ordinarily sold to customers before April 19, 1969, or ordinarily leased before such date and made an election under section 48(d), such property shall not be section 38 property with respect to either the lessor or the lessee.

(d) PROPERTY PLACED IN SERVICE AFTER 1975.—For purposes of this subpart, the term ‘section 38 property’ does not include any property placed in service after December 31, 1975.”

(b) LIMITATIONS ON USE OF CARRYOVERS AND CARRYBACKS.—Section 46(b) (relating to carryback and carryover of unused credits) is amended by adding at the end thereof the following new paragraphs:

“(5) TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1968, AND ENDING AFTER APRIL 18, 1969.”—The amount which may be added under this subsection for any taxable year beginning after December 31, 1968, and ending after April 18, 1969, shall not exceed 20 percent of the higher of—

“(A) the aggregate of the investment credit carrybacks and investment credit carryovers to the taxable year, or

“(B) the highest amount computed under subparagraph (A) for any preceding taxable year which began after December 31, 1968, and ended after April 18, 1969.”

(6) ADDITIONAL 3-YEAR CARRYOVER PERIOD IN CERTAIN CASES.—Any portion of an investment credit carryback or carryover to any taxable year beginning after December 31, 1968, and ending after April 18, 1969, which—

“(A) may be added under this subsection under the limitation provided by paragraph (2), and

“(B) may not be added under the limitation provided by paragraph (5),

shall be an investment credit carryover to each of the 3 taxable years following the last taxable year for which such portion may be added under paragraph (1), and shall (subject to the provisions of paragraphs (1), (2), and (5)) be added to the amount allowable as a credit by section 38 for such years.”

(c) RULES RELATING TO CERTAIN CASUALTIES AND THEFTS AND TO REPLACEMENT OF CERTAIN SECTION 38 PROPERTY.—

(1) PROPERTY DESTROYED BY CASUALTY.—Section 47(a)(4) (relating to rules with respect to section 38 property destroyed by casualty, etc.) is amended by adding at the end thereof the following new sentence:

“Subparagraphs (B) and (C) shall not apply with respect to any casualty or theft occurring after April 18, 1969.”

(2) REPLACEMENT OF CERTAIN SECTION 38 PROPERTY.—Section 47(a) (relating to certain dispositions of section 38 property) is amended by adding at the end thereof the following new paragraph:

“(5) CERTAIN PROPERTY REPLACED AFTER APRIL 18, 1969.”—In any case in which—

“(A) section 38 property is disposed of, and

“(B) property which would be section 38 property but for section 49 is placed in service by the taxpayer to replace the property disposed of,

Ante, p. 660.

the increase under paragraph (1) and the adjustment under paragraph (3) shall not be greater than the increase or adjustment which would result if the qualified investment of the property described in subparagraph (B) (determined as if such property were section 38 property) were substituted for the qualified investment of the property disposed of (as determined under paragraph (1)). Except in the case of a disposition by reason of a casualty or theft occurring before April 19, 1969, the preceding sentence shall apply only if the section 38 property disposed of is replaced within 6 months after the date of such disposition.”

(d) CONFORMING AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 (relating to rules for computing credit for investment in certain depreciable property) is amended by adding at the end thereof the following new item:

“Sec. 49. Termination of credit.”

SEC. 704. AMORTIZATION OF POLLUTION CONTROL FACILITIES.

(a) ALLOWANCE.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by striking out section 169 and inserting in lieu thereof the following new section:

“SEC. 169. AMORTIZATION OF POLLUTION CONTROL FACILITIES.

“(a) ALLOWANCE OF DEDUCTION.—Every person, at his election, shall be entitled to a deduction with respect to the amortization of the amortizable basis of any certified pollution control facility (as defined in subsection (d), based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the amortizable basis of the pollution control facility at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such amortizable basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any month shall be in lieu of the depreciation deduction with respect to such pollution control facility for such month provided by section 167. The 60-month period shall begin, as to any pollution control facility, at the election of the taxpayer, with the month following the month in which such facility was completed or acquired, or with the succeeding taxable year.

68A Stat. 45.
Post, pp. 670-
674.
26 USC 161-187.

“(b) ELECTION OF AMORTIZATION.—The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the facility is completed or acquired, or with the taxable year succeeding the taxable year in which such facility is completed or acquired, shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election.

Ante, p. 649.
26 USC 167.

“(c) TERMINATION OF AMORTIZATION DEDUCTION.—A taxpayer which has elected under subsection (b) to take the amortization deduction provided in subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the

amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such pollution control facility.

“(d) DEFINITIONS.—For purposes of this section—

“(1) CERTIFIED POLLUTION CONTROL FACILITY.—The term ‘certified pollution control facility’ means a new identifiable treatment facility which is used, in connection with a plant or other property in operation before January 1, 1969, to abate or control water or atmospheric pollution or contamination by removing, altering, disposing, or storing of pollutants, contaminants, wastes, or heat and which—

“(A) the State certifying authority having jurisdiction with respect to such facility has certified to the Federal certifying authority as having been constructed, reconstructed, erected, or acquired in conformity with the State program or requirements for abatement or control of water or atmospheric pollution or contamination; and

“(B) the Federal certifying authority has certified to the Secretary or his delegate (i) as being in compliance with the applicable regulations of Federal agencies and (ii) as being in furtherance of the general policy of the United States for cooperation with the States in the prevention and abatement of water pollution under the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), or in the prevention and abatement of atmospheric pollution and contamination under the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

“(2) STATE CERTIFYING AUTHORITY.—The term ‘State certifying authority’ means, in the case of water pollution, the State water pollution control agency as defined in section 13(a) of the Federal Water Pollution Control Act and, in the case of air pollution, the air pollution control agency as defined in section 302(b) of the Clean Air Act. The term ‘State certifying authority’ includes any interstate agency authorized to act in place of a certifying authority of the State.

“(3) FEDERAL CERTIFYING AUTHORITY.—The term ‘Federal certifying authority’ means, in the case of water pollution, the Secretary of the Interior and, in the case of air pollution, the Secretary of Health, Education, and Welfare.

“(4) NEW IDENTIFIABLE TREATMENT FACILITY.—For purposes of paragraph (1), the term ‘new identifiable treatment facility’ includes only tangible property (not including a building and its structural components, other than a building which is exclusively a treatment facility) which is of a character subject to the allowance for depreciation provided in section 167, which is identifiable as a treatment facility, and which—

“(A) is property—

“(i) the construction, reconstruction, or erection of which is completed by the taxpayer after December 31, 1968, or

“(ii) acquired after December 31, 1968, if the original use of the property commences with the taxpayer and commences after such date, and

“(B) is placed in service by the taxpayer before January 1, 1975.

In applying this section in the case of property described in clause (i) of subparagraph (A), there shall be taken into account only that portion of the basis which is properly attributable to construction, reconstruction, or erection after December 31, 1968.

70 Stat. 498;
80 Stat. 1246.

81 Stat. 485.

33 USC 466j.

42 USC 1857h.

Ante, p. 649.
26 USC 167.

“(e) PROFITMAKING ABATEMENT WORKS, ETC.—The Federal certifying authority shall not certify any property under subsection (d)(1)(B) to the extent it appears that by reason of profits derived through the recovery of wastes or otherwise in the operation of such property, its costs will be recovered over its actual useful life.

“(f) AMORTIZABLE BASIS.—

“(1) **DEFINED.**—For purposes of this section, the term ‘amortizable basis’ means that portion of the adjusted basis (for determining gain) of a certified pollution control facility which may be amortized under this section.

“(2) SPECIAL RULES.—

“(A) If a certified pollution control facility has a useful life (determined as of the first day of the first month for which a deduction is allowable under this section) in excess of 15 years, the amortizable basis of such facility shall be equal to an amount which bears the same ratio to the portion of the adjusted basis of such facility, which would be eligible for amortization but for the application of this subparagraph, as 15 bears to the number of years of useful life of such facility.

“(B) The amortizable basis of a certified pollution control facility with respect to which an election under this section is in effect shall not be increased, for purposes of this section, for additions or improvements after the amortization period has begun.

“(g) DEPRECIATION DEDUCTION.—The depreciation deduction provided by section 167 shall, despite the provisions of subsection (a), be allowed with respect to the portion of the adjusted basis which is not the amortizable basis.

“(h) INVESTMENT CREDIT NOT TO BE ALLOWED.—In the case of any property with respect to which an election has been made under subsection (a), so much of the adjusted basis of the property as (after the application of subsection (f)) constitutes the amortizable basis for purposes of this section shall not be treated as section 38 property within the meaning of section 48(a).

“(i) LIFE TENANT AND REMAINDERMAN.—In the case of property held by one person for life with remainder to another person, the deduction under this section shall be computed as if the life tenant were the absolute owner of the property and shall be allowable to the life tenant.

“(j) CROSS REFERENCE.—

“**For special rule with respect to certain gain derived from the disposition of property the adjusted basis of which is determined with regard to this section, see section 1245.**”

(b) CONFORMING, ETC., AMENDMENTS.—

(1) The table of sections for part VI of subchapter B of chapter 1 is amended by striking out the item relating to section 169 and inserting in lieu thereof the following new item:

“Sec. 169. Amortization of pollution control facilities.”

(2) The heading and the first sentence of section 642(f) (relating to special rules for credits and deductions of estates and trusts) are amended to read as follows:

“(f) AMORTIZATION DEDUCTIONS.—The benefit of the deductions for amortization provided by sections 168, 169, 184, and 187 shall be allowed to estates and trusts in the same manner as in the case of an individual.”

(3) Section 1082(a)(2)(B) (relating to basis for determining gain or loss) is amended by striking out “or 169” and inserting in lieu thereof “, 169, 184, 185, or 187”.

*Ante, p. 649.
26 USC 167.*

76 Stat. 967.

*Ante, p. 667.
Post, pp. 670,
674.*

68A Stat. 315.

Ante, p. 571.

(4) Section 1245(a) of such Code (relating to gain from disposition of certain depreciable property) is amended—

(A) by inserting after paragraph (2)(C) (added by section 212(a)(1) of this Act) the following new subparagraph:

“(D) with respect to any property referred to in paragraph (3)(D), its adjusted basis recomputed by adding thereto all adjustments attributable to periods beginning with the first month for which a deduction for amortization is allowed under section 169 or 185”;

(B) by striking out “168” each place it appears in paragraph (2) and inserting in lieu thereof “168, 169, 184, 185, or 187”.

(C) by striking out “section 167” in paragraph (3) and inserting in lieu thereof “section 167 (or subject to the allowance of amortization provided in section 185)”;

(D) by striking out “or” at the end of paragraphs (3)(A) and (B);

(E) by striking out the period at the end of paragraph (3)(C) and inserting in lieu thereof “, or”; and

(F) by adding at the end of paragraph (3) the following new subparagraph:

“(D) so much of any real property (other than any property described in subparagraph (B)) which has an adjusted basis in which there are reflected adjustments for amortization under section 169 or 185.”

(5) Section 1250(b)(3) (relating to depreciation adjustments) is amended by striking out “168” and inserting in lieu thereof “168, 169, or 185”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years ending after December 31, 1968.

SEC. 705. AMORTIZATION OF RAILROAD ROLLING STOCK AND RIGHT-OF-WAY IMPROVEMENTS.

(a) ALLOWANCE.—Part VI of subchapter B or chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding after section 183 (as added by section 213 of this Act) the following new sections:

“SEC. 184. AMORTIZATION OF CERTAIN RAILROAD ROLLING STOCK.

“(a) ALLOWANCE OF DEDUCTION.—Every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any qualified railroad rolling stock (as defined in subsection (d)), based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the qualified railroad rolling stock at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any qualified railroad rolling stock for any month shall be in lieu of the depreciation deduction with respect to such rolling stock for such month provided by section 167. The 60-month period shall begin, as to any qualified railroad rolling stock, at the election of the taxpayer, with the month following the month in which such rolling stock was placed in service or with the succeeding taxable year.

“(b) ELECTION OF AMORTIZATION.—The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the qualified railroad rolling stock was placed in service, or with the taxable year succeeding the

78 Stat. 101.
26 USC 1250.

68A Stat. 45;
76 Stat. 1063;
Ante, p. 571.

taxable year in which such rolling stock is placed in service, shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election.

“(c) TERMINATION OF AMORTIZATION DEDUCTION.—A taxpayer which has elected under subsection (b) to take the amortization deduction provided by subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such rolling stock.

“(d) QUALIFIED RAILROAD ROLLING STOCK.—Except as provided in subsection (e)(4), the term ‘qualified railroad rolling stock’ means, for purposes of this section, rolling stock of the type used by a common carrier engaged in the furnishing or sale of transportation by railroad and subject to the jurisdiction of the Interstate Commerce Commission if—

“(1) such rolling stock is—

“(A) used by a domestic common carrier by railroad on a full-time basis, or on a part-time basis if its only additional use is an incidental use by a Canadian or Mexican common carrier by railroad on a per diem basis, or

“(B) owned and used by a switching or terminal company all of whose stock is owned by one or more domestic common carriers by railroad, and

“(2) the original use of such rolling stock commences with the taxpayer after December 31, 1968.

“(e) SPECIAL RULES.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, this section shall apply to qualified railroad rolling stock placed in service after 1968 and before 1975.

“(2) PLACED IN SERVICE IN 1969.—If any qualified railroad rolling stock is placed in service in 1969—

“(A) the month as to which the amortization period shall begin with respect to such rolling stock shall be determined as if such rolling stock were placed in service on December 31, 1969, and

“(B) subsections (a) and (b) shall be applied by substituting ‘48’ for ‘60’ each place that it appears in such subsections.

This section shall not apply to any qualified railroad rolling stock placed in service in 1969 and owned by any person who is not a domestic common carrier by railroad, or a corporation at least 95 percent of the stock of which is owned by one or more such common carriers.

“(3) PLACED IN SERVICE IN 1970.—If any qualified railroad rolling stock is placed in service in 1970 by a domestic common carrier by railroad or by a corporation at least 95 percent of the stock of which is owned by one or more such common carriers, then subsection (a) shall be applied, without regard to paragraph (2), as if such rolling stock were placed in service on December 31, 1969.

“(4) RAILROAD ROLLING STOCK NOT IN SHORT SUPPLY.—The Secretary or his delegate shall determine (with the assistance of the Secretary of Transportation) which types of railroad rolling

Ante, p. 649.
26 USC 167.

stock are not in short supply and shall prescribe regulations designating such types. The term 'qualified railroad rolling stock' shall not include any rolling stock which—

“(A) is of the type of rolling stock designated by such regulations as not in short supply, and

“(B) is placed in service after (i) 1972, or (ii) 30 days after the date on which such regulations are promulgated, whichever is later.

“(5) ADJUSTED BASIS.—

“(A) The adjusted basis of any qualified railroad rolling stock, with respect to which an election has been made under this section, shall not be increased, for purposes of this section, for amounts chargeable to capital account for additions or improvements after the amortization period has begun.

“(B) Costs incurred in connection with a used unit of railroad rolling stock which are properly chargeable to capital account shall be treated as a separate unit of railroad rolling stock for purposes of this section.

“(C) The depreciation deduction provided by section 167 shall, despite the provisions of subsection (a), be allowed with respect to the portion of the adjusted basis which is not taken into account in applying this section.

“(6) CONSTRUCTIVE TERMINATION.—If at any time during the amortization period any qualified railroad rolling stock ceases to meet the requirements of subsection (d) (1), the taxpayer shall be deemed to have terminated under subsection (c) his election under this section. Such termination shall be effective beginning with the month following the month in which such cessation occurs.

“(7) METHOD OF ACCOUNTING FOR DATE PLACED IN SERVICE.—For purposes of subsections (a) and (b), in the case of qualified railroad rolling stock placed in service after December 31, 1969, and before January 1, 1975, the taxpayer may elect (unless paragraph (3) is applicable) to begin the 60-month period with the date when such rolling stock is treated as having been placed in service under a method of accounting for acquisitions and retirements of property which—

“(A) prescribes a date when property is placed in service, and

“(B) is consistently followed by the taxpayer.

“(f) LIFE TENANT AND REMAINDERMAN.—In the case of qualified railroad rolling stock leased to a domestic common carrier, and held by one person for life with remainder to another person, the deduction under this section shall be computed as if the life tenant were the absolute owner of the property and shall be allowable to the life tenant.

“(g) CROSS REFERENCE.—

“For treatment of certain gain derived from the disposition of property the adjusted basis of which is determined with regard to this section, see section 1245.”

“SEC. 185. AMORTIZATION OF RAILROAD GRADING AND TUNNEL BORES.

“(a) GENERAL RULE.—In the case of a domestic common carrier by railroad, the taxpayer shall, at his election, be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of his qualified railroad grading and tunnel bores. The amortization deduction provided by this section with respect to such property shall be in lieu of any depreciation deduction, or other amortization deduction, with respect to such property for any taxable year to which the election applies.

“(b) AMOUNT OF DEDUCTION.—

“(1) IN GENERAL.—The deduction allowable under subsection (a) for any taxable year shall be an amount determined by amortizing ratably over a period of 50 years the adjusted basis (for determining gain) of the qualified railroad grading and tunnel bores of the taxpayer. Such 50-year period shall commence with the first taxable year for which an election under this section is effective.

“(2) SPECIAL RULE.—In the case of qualified railroad grading and tunnel bores placed in service after the beginning of the first taxable year for which an election under this section is effective, the 50-year period with respect to such property shall begin with the year following the year the property is placed in service.

“(c) ELECTION OF AMORTIZATION.—The election of the taxpayer to take the amortization deduction provided in subsection (a) may be made for any taxable year beginning after December 31, 1969. Such election shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election. The election shall remain in effect for all taxable years subsequent to the first year for which it is effective and shall apply to all qualified railroad grading and tunnel bores of the taxpayer, unless, on application by the taxpayer, the Secretary or his delegate permits him, subject to such conditions as the Secretary or his delegate deems necessary, to revoke such election.

“(d) DEFINITIONS.—For purposes of this section—

“(1) RAILROAD GRADING AND TUNNEL BORES.—The term ‘railroad grading and tunnel bores’ means all improvements resulting from excavations (including tunneling), construction of embankments, clearings, diversions of roads and streams, sodding of slopes, and from similar work necessary to provide, construct, reconstruct, alter, protect, improve, replace, or restore a roadbed or right-of-way for railroad track. If expenditures for improvements described in the preceding sentence are incurred with respect to an existing roadbed or right-of-way for railroad track, such expenditures shall be considered, in applying this section, as costs for railroad grading or tunnel bores placed in service in the year in which such costs are incurred.

“(2) QUALIFIED RAILROAD GRADING AND TUNNEL BORES.—The term ‘qualified railroad grading and tunnel bores’ means railroad grading and tunnel bores the original use of which commences after December 31, 1968.

“(e) TREATMENT UPON RETIREMENT.—If any qualified railroad grading or tunnel bore is retired or abandoned during a taxable year for which an election under this section is in effect, no deduction shall be allowed on account of such retirement or abandonment and the amortization deduction under this section shall continue with respect to such property. This subsection shall not apply if the retirement or abandonment is attributable primarily to fire, storm, or other casualty.

“(f) INVESTMENT CREDIT NOT TO BE ALLOWED.—Property eligible to be amortized under this section shall not be treated as section 38 property within the meaning of section 48(a).

“(g) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.

“(h) CROSS REFERENCE.—

“For special rule with respect to certain gain derived from the disposition of property the adjusted basis of which is determined with regard to this section, see section 1245.”

(b) CONFORMING AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end thereof the following new items:

“Sec. 184. Amortization of certain railroad rolling stock.
“Sec. 185. Amortization of railroad grading and tunnel bores.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1969.

SEC. 706. EXPENDITURES IN CONNECTION WITH CERTAIN RAILROAD ROLLING STOCK.

(a) IN GENERAL.—Section 263 (relating to capital expenditures) is amended by adding at the end thereof the following new subsection:

“(e) EXPENDITURES IN CONNECTION WITH CERTAIN RAILROAD ROLLING STOCK.—In the case of expenditures in connection with the rehabilitation of a unit of railroad rolling stock (except a locomotive) used by a domestic common carrier by railroad which would, but for this subsection, be properly chargeable to capital account, such expenditures, if during any 12-month period they do not exceed an amount equal to 20 percent of the basis of such unit in the hands of the taxpayer, shall be treated (notwithstanding subsection (a)) as deductible repairs under section 162 or 212.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1969.

SEC. 707. AMORTIZATION OF CERTAIN COAL MINE SAFETY EQUIPMENT.

(a) ALLOWANCE.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding after section 186 (added by section 904 of this Act) the following new section.

“SEC. 187. AMORTIZATION OF CERTAIN COAL MINE SAFETY EQUIPMENT.

“(a) ALLOWANCE OF DEDUCTION.—Every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any certified coal mine safety equipment (as defined in subsection (d)), based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the certified coal mine safety equipment at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any certified coal mine safety equipment for any month shall be in lieu of the depreciation deduction with respect to such equipment for such month provided by section 167. The 60-month period shall begin, as to any certified coal mine safety equipment, at the election of the taxpayer, with the month following the month in which such equipment was placed in service or with the succeeding taxable year.

“(b) ELECTION OF AMORTIZATION.—The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the certified coal mine safety equipment was placed in service, or with the taxable year succeeding the taxable year in which such equipment is placed in service, shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election.

“(c) TERMINATION OF AMORTIZATION DEDUCTION.—A taxpayer which has elected under subsection (b) to take the amortization deduc-

68A Stat. 77;
79 Stat. 964.
26 USC 263.

26 USC 162,
212.

Post, p. 711.

Ante, p. 649.
26 USC 167.

tion provided by subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such equipment.

(d) CERTIFIED COAL MINE SAFETY EQUIPMENT.—For purposes of this section, the term ‘certified coal mine safety equipment’ means property which—

“(1) is electric face equipment (within the meaning of section 305 of the Federal Coal Mine Health and Safety Act of 1969) required in order to meet the requirements of section 305(a)(2) of such Act,

“(2) the Secretary of the Interior certifies is permissible within the meaning of such section 305(a)(2), and

“(3) is placed in service before January 1, 1975.

For purposes of this section, any property placed in service in connection with any used electric face equipment which the Secretary of the Interior certifies makes such electric face equipment permissible shall be treated as a separate item of certified coal mine safety equipment.

(e) SPECIAL RULES.—

“(1) The adjusted basis of any certified coal mine safety equipment, with respect to which an election is made under this section, shall not be increased, for purposes of this section, for amounts chargeable to capital account for additions or improvements after the amortization period has begun.

“(2) The depreciation deduction provided by section 167 shall, despite the provisions of subsection (a), be allowed with respect to the portion of the adjusted basis which is not taken into account in applying this section.”

(b) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of the chapter 1 is amended by adding at the end thereof the following new item:

“Sec. 187. Amortization of certain coal mine safety equipment.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1969.

TITLE VIII—ADJUSTMENT OF TAX BURDEN FOR INDIVIDUALS

SEC. 801. PERSONAL EXEMPTIONS.

(a) INCREASE TO \$625 FOR 1970.—Effective with respect to taxable years beginning after December 31, 1969, and before January 1, 1971—

(1) section 151 (relating to allowance of personal exemptions) is amended by striking out “\$600” wherever it appears therein and inserting in lieu thereof “\$625”; and

(2) section 6013(b)(3)(A) (relating to assessment and collection in case of certain returns of husband and wife) is amended by striking out “\$600” wherever it appears therein and inserting in lieu thereof “\$625”, and by striking out “\$1,200” wherever it appears therein and inserting in lieu thereof “\$1,250”.

(b) INCREASE TO \$650 FOR 1971.—Effective with respect to taxable years beginning after December 31, 1970, and before January 1, 1972—

Ante, p. 649.
26 USC 167.

Post, p. 775.

68A Stat. 42.

68A Stat. 733.

68A Stat. 42.
26 USC 151.

68A Stat. 733.

(1) section 151 (relating to allowance of personal exemptions) is amended by striking out "\$625" wherever it appears therein and inserting in lieu thereof "\$650"; and

(2) section 6013(b)(3)(A) (relating to assessment and collection in case of certain returns of husband and wife) is amended by striking out "\$625" wherever it appears therein and inserting in lieu thereof "\$650", and by striking out "\$1,250" wherever it appears therein and inserting in lieu thereof "\$1,300".

(c) INCREASE TO \$700 FOR 1972.—Effective with respect to taxable years beginning after December 31, 1971, and before January 1, 1973—

(1) section 151 (relating to allowance of personal exemptions) is amended by striking out "\$650" wherever it appears therein and inserting in lieu thereof "\$700"; and

(2) section 6013(b)(3)(A) (relating to assessment and collection in case of certain returns of husband and wife) is amended by striking out "\$650" wherever it appears therein and inserting in lieu thereof "\$700", and by striking out "\$1,300" wherever it appears therein and inserting in lieu thereof "\$1,400".

(d) INCREASE TO \$750 FOR 1973 AND SUBSEQUENT YEARS.—Effective with respect to taxable years beginning after December 31, 1972—

(1) section 151 (relating to allowance of personal exemptions) is amended by striking out "\$700" wherever it appears therein and inserting in lieu thereof "\$750"; and

(2) section 6013(b)(3)(A) (relating to assessment and collection in case of certain returns of husband and wife) is amended by striking out "\$700" wherever it appears therein and inserting in lieu thereof "\$750", and by striking out "\$1,400", wherever it appears therein and inserting in lieu thereof "\$1,500".

SEC. 802. LOW INCOME ALLOWANCE; INCREASE IN STANDARD DEDUCTION.

78 Stat. 23.
26 USC 141.

(a) IN GENERAL.—Section 141 (relating to the standard deduction) is amended by striking out subsections (a), (b), and (c) and inserting in lieu thereof the following:

"(a) STANDARD DEDUCTION.—Except as otherwise provided in this section, the standard deduction referred to in this title is the larger of the percentage standard deduction or the low income allowance.

"(b) PERCENTAGE STANDARD DEDUCTION.—The percentage standard deduction is an amount equal to the applicable percentage of adjusted gross income shown in the following table, but not to exceed the maximum amount shown in such table (or one-half of such maximum amount in the case of a separate return by a married individual):

"Taxable years beginning in—	Applicable percentage	Maximum amount
1970.....	10	\$1,000
1971.....	13	1,500
1972.....	14	2,000
1973 and thereafter.....	15	2,000

"(c) LOW INCOME ALLOWANCE.—

"(1) IN GENERAL.—The low income allowance is an amount equal to the sum of—

“(A) the basic allowance, and

“(B) the additional allowance.

"(2) BASIC ALLOWANCE.—For purposes of this subsection, the basic allowance is an amount equal to the sum of—

“(A) \$200, plus

“(B) \$100, multiplied by the number of exemptions.

The basic allowance shall not exceed \$1,000.

"(3) ADDITIONAL ALLOWANCE.—

"(A) IN GENERAL.—For purposes of this subsection, the additional allowance is an amount equal to the excess (if any) of \$900 over the sum of—

“(i) \$100, multiplied by the number of exemptions, plus

“(ii) the income phase-out.

"(B) INCOME PHASE-OUT.—For purposes of subparagraph (A)(ii), the income phase-out is an amount equal to one-half of the amount by which the adjusted gross income for the taxable year exceeds the sum of—

“(i) \$1,100, plus

“(ii) \$625, multiplied by the number of exemptions.

"(4) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—In the case of a married taxpayer filing a separate return—

“(A) the low income allowance is an amount equal to the basic allowance, and

“(B) the basic allowance is an amount (not in excess of \$500) equal to the sum of—

“(i) \$100, plus

“(ii) \$100, multiplied by the number of exemptions.

"(5) NUMBER OF EXEMPTIONS.—For purposes of this subsection, the number of exemptions is the number of exemptions allowed as a deduction for the taxable year under section 151.

"(6) SPECIAL RULE FOR 1971.—For a taxable year beginning after December 31, 1970, and before January 1, 1972,—

“(A) paragraph (3)(A) shall be applied by substituting '\$850' for '\$900',

“(B) paragraph (3)(B) shall be applied by substituting 'one-fifteenth' for 'one-half',

“(C) paragraph (3)(B)(i) shall be applied by substituting '\$1050' for '\$1100', and

“(D) paragraph (3)(B)(ii) shall be applied by substituting '\$650' for '\$625'."

(b) DETERMINATION OF MARITAL STATUS.—Section 143 (relating to determination of marital status) is amended—

(1) by striking out "For purposes of this part—" and inserting in lieu thereof "(a) GENERAL RULE.—For purposes of this part—"; and

(2) by adding at the end thereof the following new subsection:

"(b) CERTAIN MARRIED INDIVIDUALS LIVING APART.—For purposes of this part, if—

“(1) an individual who is married (within the meaning of subsection (a)) and who files a separate return maintains as his home a household which constitutes for more than one-half of the taxable year the principal place of abode of a dependent (A) who (within the meaning of section 152) is a son, stepson, daughter, or stepdaughter of the individual, and (B) with respect to whom such individual is entitled to a deduction for the taxable year under section 151,

“(2) such individual furnishes over half of the cost of maintaining such household during the taxable year, and

“(3) during the entire taxable year such individual's spouse is not a member of such household,
such individual shall not be considered as married."

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 4(a) (relating to number of exemptions) is amended to read as follows:

"(a) NUMBER OF EXEMPTIONS.—For purposes of the tables prescribed by the Secretary or his delegate pursuant to section 3, the term

*Ante, pp. 675,
676.*

*68A Stat. 41.
26 USC 143.*

26 USC 152.

68A Stat. 10.

Post, p. 684.

Ante, pp. 675,
676.
78 Stat. 140.

Post, p. 684.
Infra.

Ante, p. 677.
78 Stat. 140.

78 Stat. 23.
26 USC 141.

78 Stat. 108;
Ante, p. 587.

Ante, p. 676.

68A Stat. 5;
78 Stat. 19.

'number of exemptions' means the number of exemptions allowed under section 151 as deductions in computing taxable income."

(2) Section 4(c) (relating to married individuals filing separate returns) is amended to read as follows:

"(c) HUSBAND OR WIFE FILING SEPARATE RETURN.—"

"(1) A husband or wife may not elect to pay the optional tax imposed by section 3 if the tax of the other spouse is determined under section 1 on the basis of taxable income computed without regard to the standard deduction.

"(2) Except as otherwise provided in this subsection, in the case of a husband or wife filing a separate return the tax imposed by section 3 shall be the lesser of the tax shown in—

"(A) the table prescribed under section 3 applicable in the case of married persons filing separate returns which applies the percentage standard deduction, or

"(B) the table prescribed under section 3 applicable in the case of married persons filing separate returns which applies the low income allowance.

"(3) The table referred to in paragraph (2)(B) shall not apply in the case of a husband or wife filing a separate return if the tax of the other spouse is determined with regard to the percentage standard deduction; except that an individual described in section 141(d)(2) may elect (under regulations prescribed by the Secretary or his delegate) to pay the tax shown in the table referred to in paragraph (2)(B) in lieu of the tax shown in the table referred to in paragraph (2)(A). For purposes of this title, an election under the preceding sentence shall be treated as an election made under section 141(d)(2).

"(4) For purposes of this subsection, determination of marital status shall be made under section 143."

(3) Paragraph (4) of section 4(f) is amended to read as follows:

"(4) For computation of tax by Secretary or his delegate, see section 6014."

(4) Section 141(d) (relating to married individuals filing separate returns) is amended—

(A) by striking out "minimum standard deduction" each place it appears and inserting in lieu thereof "low income allowance"; and

(B) by striking out "10-percent" each place it appears therein and inserting in lieu thereof "percentage".

(5) Section 1304(c)(4) (relating to special rules for income averaging) is amended by striking out "section 143" and inserting in lieu thereof "section 143(a)".

(d) **EFFECTIVE DATE.**—The amendments made by subsections (a), (b), and (c) shall apply to taxable years beginning after December 31, 1969.

(e) **YEARS AFTER 1971.**—Effective with respect to taxable years beginning after December 31, 1971, section 141(c) (relating to low income allowance), as amended by subsection (a), is amended to read as follows:

"(c) Low INCOME ALLOWANCE.—The low income allowance is \$1,000 (\$500, in the case of a married individual filing a separate return)."

SEC. 803. TAX RATES FOR SINGLE INDIVIDUALS AND HEADS OF HOUSEHOLDS; OPTIONAL TAX.

(a) **RATES OF TAX ON INDIVIDUALS.**—Section 1 (relating to the tax imposed) is amended to read as follows:

"SECTION 1. TAX IMPOSED."

"(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—There is hereby imposed on the taxable income of—

"(1) every married individual (as defined in section 143) who makes a single return jointly with his spouse under section 6013, and

"(2) every surviving spouse (as defined in section 2(a)),

A tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over \$1,000-----	14% of the taxable income.
Over \$1,000 but not over \$2,000----	\$140, plus 15% of excess over \$1,000.
Over \$2,000 but not over \$3,000----	\$290, plus 16% of excess over \$2,000.
Over \$3,000 but not over \$4,000----	\$450, plus 17% of excess over \$3,000.
Over \$4,000 but not over \$8,000----	\$620, plus 19% of excess over \$4,000.
Over \$8,000 but not over \$12,000----	\$1,380, plus 22% of excess over \$8,000.
Over \$12,000 but not over \$16,000--	\$2,260, plus 25% of excess over \$12,000.
Over \$16,000 but not over \$20,000--	\$3,260, plus 28% of excess over \$16,000.
Over \$20,000 but not over \$24,000--	\$4,380, plus 32% of excess over \$20,000.
Over \$24,000 but not over \$28,000--	\$5,660, plus 36% of excess over \$24,000.
Over \$28,000 but not over \$32,000--	\$7,100, plus 39% of excess over \$28,000.
Over \$32,000 but not over \$36,000--	\$8,660, plus 42% of excess over \$32,000.
Over \$36,000 but not over \$40,000--	\$10,340, plus 45% of excess over \$36,000.
Over \$40,000 but not over \$44,000--	\$12,140, plus 48% of excess over \$40,000.
Over \$44,000 but not over \$52,000--	\$14,060, plus 50% of excess over \$44,000.
Over \$52,000 but not over \$64,000--	\$18,060, plus 53% of excess over \$52,000.
Over \$64,000 but not over \$76,000--	\$24,420, plus 55% of excess over \$64,000.
Over \$76,000 but not over \$88,000--	\$31,020, plus 58% of excess over \$76,000.
Over \$88,000 but not over \$100,000-	\$37,980, plus 60% of excess over \$88,000.
Over \$100,000 but not over \$120,000-	\$45,180, plus 62% of excess over \$100,000.
Over \$120,000 but not over \$140,000-	\$57,580, plus 64% of excess over \$120,000.
Over \$140,000 but not over \$160,000-	\$70,380, plus 66% of excess over \$140,000.
Over \$160,000 but not over \$180,000-	\$83,580, plus 68% of excess over \$160,000.
Over \$180,000 but not over \$200,000-	\$97,180, plus 69% of excess over \$180,000.
Over \$200,000-----	\$110,980, plus 70% of excess over \$200,000.

Ante, p. 677.

Ante, p. 675.

Post, p. 682.

Post, p. 683.

“(b) HEADS OF HOUSEHOLDS.—There is hereby imposed on the taxable income of every individual who is the head of a household (as defined in section 2(b)) a tax determined in accordance with the following table:

If the taxable income is:

If the taxable income is:	The tax is:
Not over \$1,000-----	14% of the taxable income.
Over \$1,000 but not over \$2,000-----	\$140, plus 16% of excess over \$1,000.
Over \$2,000 but not over \$4,000-----	\$300, plus 18% of excess over \$2,000.
Over \$4,000 but not over \$6,000-----	\$660, plus 19% of excess over \$4,000.
Over \$6,000 but not over \$8,000-----	\$1,040, plus 22% of excess over \$6,000.
Over \$8,000 but not over \$10,000-----	\$1,480, plus 23% of excess over \$8,000.
Over \$10,000 but not over \$12,000-----	\$1,940, plus 25% of excess over \$10,000.
Over \$12,000 but not over \$14,000-----	\$2,440, plus 27% of excess over \$12,000.
Over \$14,000 but not over \$16,000-----	\$2,980, plus 28% of excess over \$14,000.
Over \$16,000 but not over \$18,000-----	\$3,540, plus 31% of excess over \$16,000.
Over \$18,000 but not over \$20,000-----	\$4,160, plus 32% of excess over \$18,000.
Over \$20,000 but not over \$22,000-----	\$4,800, plus 35% of excess over \$20,000.
Over \$22,000 but not over \$24,000-----	\$5,500, plus 36% of excess over \$22,000.
Over \$24,000 but not over \$26,000-----	\$6,220, plus 38% of excess over \$24,000.
Over \$26,000 but not over \$28,000-----	\$6,980, plus 41% of excess over \$26,000.
Over \$28,000 but not over \$32,000-----	\$7,800, plus 42% of excess over \$28,000.
Over \$32,000 but not over \$36,000-----	\$9,480, plus 45% of excess over \$32,000.
Over \$36,000 but not over \$38,000-----	\$11,280, plus 48% of excess over \$36,000.
Over \$38,000 but not over \$40,000-----	\$12,240, plus 51% of excess over \$38,000.
Over \$40,000 but not over \$44,000-----	\$13,260, plus 52% of excess over \$40,000.
Over \$44,000 but not over \$50,000-----	\$15,340, plus 55% of excess over \$44,000.
Over \$50,000 but not over \$52,000-----	\$18,640, plus 56% of excess over \$50,000.
Over \$52,000 but not over \$64,000-----	\$19,760, plus 58% of excess over \$52,000.
Over \$64,000 but not over \$70,000-----	\$26,720, plus 59% of excess over \$64,000.
Over \$70,000 but not over \$76,000-----	\$30,260, plus 61% of excess over \$70,000.
Over \$76,000 but not over \$80,000-----	\$33,920, plus 62% of excess over \$76,000.
Over \$80,000 but not over \$88,000-----	\$36,400, plus 63% of excess over \$80,000.
Over \$88,000 but not over \$100,000-----	\$41,440, plus 64% of excess over \$88,000.
Over \$100,000 but not over \$120,000-----	\$49,120, plus 66% of excess over \$100,000.
Over \$120,000 but not over \$140,000-----	\$62,320, plus 67% of excess over \$120,000.
Over \$140,000 but not over \$160,000-----	\$75,720, plus 68% of excess over \$140,000.
Over \$160,000 but not over \$180,000-----	\$89,320, plus 69% of excess over \$160,000.
Over \$180,000-----	\$103,120, plus 70% of excess over \$180,000.

“(c) UNMARRIED INDIVIDUALS (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS).—There is hereby imposed on the taxable income of every individual (other than a surviving spouse as defined in section 2(a) or the head of a household as defined in section 2(b)) who is not a married individual (as defined in section 143) a tax determined in accordance with the following table:

Post, p. 682.

Ante, p. 677.

***If the taxable income is:**

The tax is:

Not over \$500-----	14% of the taxable income.
Over \$500 but not over \$1,000-----	\$70, plus 15% of excess over \$500.
Over \$1,000 but not over \$1,500-----	\$145, plus 16% of excess over \$1,000.
Over \$1,500 but not over \$2,000-----	\$225, plus 17% of excess over \$1,500.
Over \$2,000 but not over \$4,000-----	\$310, plus 19% of excess over \$2,000.
Over \$4,000 but not over \$6,000-----	\$690, plus 21% of excess over \$4,000.
Over \$6,000 but not over \$8,000-----	\$1,110, plus 24% of excess over \$6,000.
Over \$8,000 but not over \$10,000-----	\$1,590, plus 25% of excess over \$8,000.
Over \$10,000 but not over \$12,000-----	\$2,090, plus 27% of excess over \$10,000.
Over \$12,000 but not over \$14,000-----	\$2,630, plus 29% of excess over \$12,000.
Over \$14,000 but not over \$16,000-----	\$3,210, plus 31% of excess over \$14,000.
Over \$16,000 but not over \$18,000-----	\$3,830, plus 34% of excess over \$16,000.
Over \$18,000 but not over \$20,000-----	\$4,510, plus 36% of excess over \$18,000.
Over \$20,000 but not over \$22,000-----	\$5,230, plus 38% of excess over \$20,000.
Over \$22,000 but not over \$26,000-----	\$5,990, plus 40% of excess over \$22,000.
Over \$26,000 but not over \$32,000-----	\$7,590, plus 45% of excess over \$26,000.
Over \$32,000 but not over \$38,000-----	\$10,290, plus 50% of excess over \$32,000.
Over \$38,000 but not over \$44,000-----	\$13,290, plus 55% of excess over \$38,000.
Over \$44,000 but not over \$50,000-----	\$16,590, plus 60% of excess over \$44,000.
Over \$50,000 but not over \$60,000-----	\$20,190, plus 62% of excess over \$50,000.
Over \$60,000 but not over \$70,000-----	\$26,390, plus 64% of excess over \$60,000.
Over \$70,000 but not over \$80,000-----	\$32,790, plus 66% of excess over \$70,000.
Over \$80,000 but not over \$90,000-----	\$39,390, plus 68% of excess over \$80,000.
Over \$90,000 but not over \$100,000-----	\$46,190, plus 69% of excess over \$90,000.
Over \$100,000-----	\$53,090, plus 70% of excess over \$100,000.

“(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS; ESTATES AND TRUSTS.—There is hereby imposed on the taxable income of every married individual (as defined in section 143) who does not make a single return jointly with his spouse under section 6013, and of every estate and trust taxable under this subsection, a tax determined in accordance with the following table:

Ante, p. 675.

***If the taxable income is:**

The tax is:

Not over \$500-----	14% of the taxable income.
Over \$500 but not over \$1,000-----	\$70, plus 15% of excess over \$500.
Over \$1,000 but not over \$1,500-----	\$145, plus 16% of excess over \$1,000.
Over \$1,500 but not over \$2,000-----	\$225, plus 17% of excess over \$1,500.
Over \$2,000 but not over \$4,000-----	\$310, plus 19% of excess over \$2,000.

If the taxable income is:	The tax is:
Over \$4,000 but not over \$6,000----	\$690, plus 22% of excess over \$4,000.
Over \$6,000 but not over \$8,000----	\$1,130, plus 25% of excess over \$6,000.
Over \$8,000 but not over \$10,000--	\$1,630, plus 28% of excess over \$8,000.
Over \$10,000 but not over \$12,000--	\$2,190, plus 32% of excess over \$10,000.
Over \$12,000 but not over \$14,000--	\$2,830, plus 36% of excess over \$12,000.
Over \$14,000 but not over \$16,000--	\$3,550, plus 39% of excess over \$14,000.
Over \$16,000 but not over \$18,000--	\$4,330, plus 42% of excess over \$16,000.
Over \$18,000 but not over \$20,000--	\$5,170, plus 45% of excess over \$18,000.
Over \$20,000 but not over \$22,000--	\$6,070, plus 48% of excess over \$20,000.
Over \$22,000 but not over \$26,000--	\$7,030, plus 50% of excess over \$22,000.
Over \$26,000 but not over \$32,000--	\$9,030, plus 53% of excess over \$26,000.
Over \$32,000 but not over \$38,000--	\$12,210, plus 55% of excess over \$32,000.
Over \$38,000 but not over \$44,000--	\$15,510, plus 58% of excess over \$38,000.
Over \$44,000 but not over \$50,000--	\$18,990, plus 60% of excess over \$44,000.
Over \$50,000 but not over \$60,000--	\$22,390, plus 62% of excess over \$50,000.
Over \$60,000 but not over \$70,000--	\$28,790, plus 64% of excess over \$60,000.
Over \$70,000 but not over \$80,000--	\$35,190, plus 66% of excess over \$70,000.
Over \$80,000 but not over \$90,000--	\$41,790, plus 68% of excess over \$80,000.
Over \$90,000 but not over \$100,000--	\$48,590, plus 69% of excess over \$90,000.
Over \$100,000-----	\$55,490, plus 70% of excess over \$100,000."

68A Stat. 8.
26 USC 2.

(b) DEFINITIONS AND SPECIAL RULES.—Section 2 (relating to tax in case of joint return or return of surviving spouse) is amended to read as follows:

“SEC. 2. DEFINITIONS AND SPECIAL RULES.

“(a) DEFINITION OF SURVIVING SPOUSE.—

“(1) IN GENERAL.—For purposes of section 1, the term ‘surviving spouse’ means a taxpayer—

“(A) whose spouse died during either of his two taxable years immediately preceding the taxable year, and

“(B) who maintains as his home a household which constitutes for the taxable year the principal place of abode (as a member of such household) of a dependent (i) who (within the meaning of section 152) is a son, stepson, daughter, or stepdaughter of the taxpayer, and (ii) with respect to whom the taxpayer is entitled to a deduction for the taxable year under section 151.

For purposes of this paragraph, an individual shall be considered as maintaining a household only if over half of the cost of maintaining the household during the taxable year is furnished by such individual.

“(2) LIMITATIONS.—Notwithstanding paragraph (1), for purposes of section 1 a taxpayer shall not be considered to be a surviving spouse—

“(A) if the taxpayer has remarried at any time before the close of the taxable year, or

26 USC 152.

Ante, pp. 675,
676.

676.

“(B) unless, for the taxpayer’s taxable year during which his spouse died, a joint return could have been made under the provisions of section 6013 (without regard to subsection (a)(3) thereof).

26 USC 6013.

“(b) DEFINITION OF HEAD OF HOUSEHOLD.—

“(1) IN GENERAL.—For purposes of this subtitle, an individual shall be considered a head of a household if, and only if, such individual is not married at the close of his taxable year, is not a surviving spouse (as defined in subsection (a)), and either—

“(A) maintains as his home a household which constitutes for such taxable year the principal place of abode, as a member of such household, of—

“(i) a son, stepson, daughter, or stepdaughter of the taxpayer, or a descendant of a son or daughter of the taxpayer, but if such son, stepson, daughter, stepdaughter, or descendant is married at the close of the taxpayer’s taxable year, only if the taxpayer is entitled to a deduction for the taxable year for such person under section 151, or

“(ii) any other person who is a dependent of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such person under section 151, or

“(B) maintains a household which constitutes for such taxable year the principal place of abode of the father or mother of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such father or mother under section 151.

*Ante, pp. 675,
676.*

For purposes of this paragraph, an individual shall be considered as maintaining a household only if over half of the cost of maintaining the household during the taxable year is furnished by such individual.

“(2) DETERMINATION OF STATUS.—For purposes of this subsection—

“(A) a legally adopted child of a person shall be considered a child of such person by blood;

“(B) an individual who is legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married;

“(C) a taxpayer shall be considered as not married at the close of his taxable year if at any time during the taxable year his spouse is a nonresident alien; and

“(D) a taxpayer shall be considered as married at the close of his taxable year if his spouse (other than a spouse described in subparagraph (C)) died during the taxable year.

“(3) LIMITATIONS.—Notwithstanding paragraph (1), for purposes of this subtitle a taxpayer shall not be considered to be a head of a household—

“(A) if at any time during the taxable year he is a nonresident alien; or

“(B) by reason of an individual who would not be a dependent for the taxable year but for—

“(i) paragraph (9) of section 152(a),

“(ii) paragraph (10) of section 152(a), or

“(iii) subsection (c) of section 152.

26 USC 152.

“(c) CERTAIN MARRIED INDIVIDUALS LIVING APART.—For purposes of this part, an individual who, under section 143(b), is not to be considered as married shall not be considered as married.

Ante, p. 677.

Ante, p. 678.
26 USC 871,
877.

78 Stat. 129.

“(d) NONRESIDENT ALIENS.—In the case of a nonresident alien individual, the tax imposed by section 1 shall apply only as provided by section 871 or 877.

“(e) CROSS REFERENCE.—

“For definition of taxable income, see section 63.”

(c) OPTIONAL TAX TABLES FOR INDIVIDUALS.—Section 3 (relating to optional tax if adjusted gross income is less than \$5,000) is amended to read as follows:

“SEC. 3. OPTIONAL TAX TABLES FOR INDIVIDUALS.

“In lieu of the tax imposed by section 1, there is hereby imposed for each taxable year beginning after December 31, 1969, on the taxable income of every individual whose adjusted gross income for such year is less than \$10,000 and who has elected for such year to pay the tax imposed by this section, a tax determined under tables, applicable to such taxable year, which shall be prescribed by the Secretary or his delegate. In the tables so prescribed, the amounts of tax shall be computed on the basis of the taxable income computed by taking the standard deduction and on the basis of the rates prescribed by section 1.”

(d) TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS.—

(1) Section 6014(a) (relating to election by taxpayer) is amended—

(A) by striking out “\$5,000” in the first sentence, and inserting in lieu thereof “\$10,000”, and

(B) by striking out the last two sentences.

(2) Section 511(b)(1) (relating to imposition of tax on unrelated business income of charitable, etc., organizations) is amended by striking out “section 1”, in the first sentence of such section, and inserting in lieu thereof “section 1(d)”.

(3) Section 641 (relating to imposition of tax in respect of estates and trusts) is amended by striking out “The taxes imposed by this chapter on individuals” in subsection (a) and inserting in lieu thereof “The tax imposed by section 1(d)”.

(4) Section 632 (relating to sale of oil or gas properties) is amended—

(A) by striking out “surtax” and inserting in lieu thereof “tax”, and

(B) by striking out “30 percent” and inserting in lieu thereof “33 percent”.

(5) Section 1347 (relating to claims against United States involving acquisition of property) is amended—

(A) by striking out “surtax” and inserting in lieu thereof “tax”, and

(B) by striking out “30 percent” and inserting in lieu thereof “33 percent”.

(6) Paragraphs (1) and (5) of section 5(b) (cross references) are each amended by striking out “surtax” and inserting in lieu thereof “tax”.

(7) Section 6015(a)(1) (relating to declaration of estimated income tax by individuals) is amended—

(A) by striking out “section 1(b)(2)” each place it appears and inserting in lieu thereof “section 2(b)”, and

(B) by striking out “section 2(b)” each place it appears and inserting in lieu thereof “section 2(a)”.

(8) Section 1304(b)(1) (relating to special rules) is amended by striking out “if adjusted gross income is less than \$5,000”.

68A Stat. 736.

68A Stat. 169.

68A Stat. 349;
72 Stat. 1648.

78 Stat. 111.

74 Stat. 1000.

(9) The table of sections for part I of subchapter A of chapter 1 is amended by striking out the second and third items and inserting in lieu thereof the following:

“See. 2. Definitions and special rules.

“See. 3. Optional tax tables for individuals.”

(e) Section 21(d) (relating to changes in rates during a taxable year) is amended to read as follows:

“(d) CHANGES MADE BY TAX REFORM ACT OF 1969 IN CASE OF INDIVIDUALS.—In applying subsection (a) to a taxable year of an individual which is not a calendar year, each change made by the Tax Reform Act of 1969 in part I or in the application of part IV or V of subchapter B for purposes of the determination of taxable income shall be treated as a change in a rate of tax.”

(f) EFFECTIVE DATES.—The amendments made by subsections (a), (b), and (d) (other than paragraphs (1) and (8)) shall apply to taxable years beginning after December 31, 1970, except that section 2(e) of the Internal Revenue Code of 1954, as amended by subsection (b), shall also apply to taxable years beginning after December 31, 1969. The amendments made by subsections (c), (d)(1), and (d)(8) shall apply to taxable years beginning after December 31, 1969.

SEC. 804. FIFTY-PERCENT MAXIMUM RATE ON EARNED INCOME.

(a) IN GENERAL.—Part VI of subchapter Q of chapter 1 (relating to other limitations) is amended by adding at the end thereof the following new section:

“SEC. 1348. FIFTY-PERCENT MAXIMUM RATE ON EARNED INCOME.

“(a) GENERAL RULE.—If for any taxable year an individual has earned taxable income which exceeds the amount of taxable income specified in paragraph (1), the tax imposed by section 1 for such year shall, unless the taxpayer chooses the benefits of part I (relating to income averaging), be the sum of—

“(1) the tax imposed by section 1 on the lowest amount of taxable income on which the rate of tax under section 1 exceeds 50 percent,

“(2) 50 percent of the amount by which his earned taxable income exceeds the lowest amount of taxable income on which the rate of tax under section 1 exceeds 50 percent, and

“(3) the excess of the tax computed under section 1 without regard to this section over the tax so computed with reference solely to his earned taxable income.

In applying this subsection to a taxable year beginning after December 31, 1970, and before January 1, 1972, ‘60 percent’ shall be substituted for ‘50 percent’ each place it appears in paragraphs (1) and (2).

(b) DEFINITIONS.—For purposes of this section—

“(1) EARNED INCOME.—The term ‘earned income’ means any income which is earned income within the meaning of section 401 (c)(2)(C) or section 911(b), except that such term does not include any distribution to which section 72(m)(5), 72(n), 402 (a)(2), or 403(a)(2)(A) applies or any deferred compensation within the meaning of section 404. For purposes of this paragraph, deferred compensation does not include any amount received before the end of the taxable year following the first taxable year of the recipient in which his right to receive such amount is not subject to a substantial risk of forfeiture (within the meaning of section 83(e)(1)).

<sup>78 Stat. 30.
26 USC 21.</sup>

Ante, p. 683.

<sup>68A Stat. 349.
26 USC 1346-
1347.</sup>

Ante, p. 678.

Ante, p. 644.

Ante, p. 589.

"(2) EARNED TAXABLE INCOME.—The earned taxable income of an individual is the excess of—

“(A) the amount which bears the same ratio (but not in excess of 100 percent) to his taxable income as his earned net income bears to his adjusted gross income, over

“(B) the amount by which the greater of—

“(i) one-fifth of the sum of the taxpayer's items of tax preference referred to in section 57 for the taxable year and the 4 preceding taxable years, or

“(ii) the sum of the items of tax preference for the taxable year,
exceeds \$30,000.

For purposes of subparagraph (A), the term ‘earned net income’ means earned income reduced by any deductions allowable under section 62 which are properly allocable to or chargeable against such earned income.

“(c) MARRIED INDIVIDUALS.—This section shall apply to a married individual only if such individual and his spouse make a single return jointly for the taxable year.”

(b) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter Q of chapter 1 is amended by adding at the end thereof the following new item :

“Sec. 1348. Fifty-percent maximum rate on earned income.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1970.

SEC. 805. COLLECTION OF INCOME TAX AT SOURCE ON WAGES.

(a) REQUIREMENT OF WITHHOLDING.—Section 3402(a) (relating to requirement of withholding) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

“(1) In the case of wages paid after December 31, 1969, and before July 1, 1970:

“Table 1—If the payroll period with respect to an employee is
WEEKLY

“(a) Single Person—Including Head of Household:

“If the amount of wages is:

The amount of income tax to be withheld shall be:

Not over \$21.00-----	0.
Over \$21.00 but not over \$33.00-----	21% of excess over \$21.00.
Over \$33.00 but not over \$52.00-----	\$2.52 plus 27% of excess over \$33.00.
Over \$52.00 but not over \$88.00-----	\$7.65 plus 18% of excess over \$52.00.
Over \$88.00 but not over \$177.00-----	\$14.13 plus 21% of excess over \$88.00.
Over \$177.00 but not over \$212.00-----	\$32.82 plus 26% of excess over \$177.00.
Over \$212.00-----	\$41.92 plus 31% of excess over \$212.00.

“(b) Married Person:

“If the amount of wages is:

The amount of income tax to be withheld shall be:

Not over \$21.00-----	0.
Over \$21.00 but not over \$48.00-----	21% of excess over \$21.00.
Over \$48.00 but not over \$88.00-----	\$5.67 plus 16% of excess over \$48.00.
Over \$88.00 but not over \$177.00-----	\$12.07 plus 18% of excess over \$88.00.
Over \$177.00 but not over \$346.00-----	\$28.09 plus 21% of excess over \$177.00.
Over \$346.00 but not over \$423.00-----	\$63.58 plus 26% of excess over \$346.00.
Over \$423.00-----	\$83.60 plus 31% of excess over \$423.00.

"Table 2—If the payroll period with respect to an employee is BIWEEKLY

"(a) Single Person—Including Head of Household:

"If the amount of wages is:

"If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$42.00-----	0.
Over \$42.00 but not over \$65.00-----	21% of excess over \$42.00.
Over \$65.00 but not over \$104.00-----	\$4.83 plus 27% of excess over \$65.00.
Over \$104.00 but not over \$177.00-----	\$15.36 plus 18% of excess over \$104.00.
Over \$177.00 but not over \$354.00-----	\$28.50 plus 21% of excess over \$177.00.
Over \$354.00 but not over \$423.00-----	\$65.67 plus 26% of excess over \$354.00.
Over \$423.00-----	\$83.61 plus 31% of excess over \$423.00.

"(b) Married Person:

"If the amount of wages is:

"If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$42.00-----	0.
Over \$42.00 but not over \$96.00-----	21% of excess over \$42.00.
Over \$96.00 but not over \$177.00-----	\$11.34 plus 16% of excess over \$96.00.
Over \$177.00 but not over \$354.00-----	\$24.30 plus 18% of excess over \$177.00.
Over \$354.00 but not over \$692.00-----	\$56.16 plus 21% of excess over \$354.00.
Over \$692.00 but not over \$846.00-----	\$127.14 plus 26% of excess over \$692.00.
Over \$846.00-----	\$167.18 plus 31% of excess over \$846.00.

"Table 3—If the payroll period with respect to an employee is SEMI-MONTHLY

"(a) Single Person—Including Head of Household:

"If the amount of wages is:

"If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$46-----	0.
Over \$46 but not over \$71-----	21% of excess over \$46.
Over \$71 but not over \$113-----	\$5.25 plus 27% of excess over \$71.
Over \$113 but not over \$192-----	\$16.59 plus 18% of excess over \$113.
Over \$192 but not over \$383-----	\$30.81 plus 21% of excess over \$192.
Over \$383 but not over \$458-----	\$70.92 plus 26% of excess over \$383.
Over \$458-----	\$90.42 plus 31% of excess over \$458.

"(b) Married Person:

"If the amount of wages is:

"If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$46-----	0.
Over \$46 but not over \$104-----	21% of excess over \$46.
Over \$104 but not over \$192-----	\$12.18 plus 16% of excess over \$104.
Over \$192 but not over \$383-----	\$26.26 plus 18% of excess over \$192.
Over \$383 but not over \$750-----	\$60.64 plus 21% of excess over \$383.
Over \$750 but not over \$917-----	\$137.71 plus 26% of excess over \$750.
Over \$917-----	\$181.13 plus 31% of excess over \$917.

**“Table 4.—If the payroll period with respect to an employee is
MONTHLY**

“(a) Single Person—Including Head of Household:

“If the amount of wages is:

Not over \$92-----	0.
Over \$92 but not over \$142-----	21% of excess over \$92.
Over \$142 but not over \$225-----	\$10.50 plus 27% of excess over \$142.
Over \$225 but not over \$383-----	\$32.91 plus 18% of excess over \$225.
Over \$383 but not over \$767-----	\$61.35 plus 21% of excess over \$383.
Over \$767 but not over \$917-----	\$141.99 plus 26% of excess over \$767.
Over \$917-----	\$180.99 plus 31% of excess over \$917.

“(b) Married Person:

“If the amount of wages is:

Not over \$92-----	0.
Over \$92 but not over \$208-----	21% of excess over \$92.
Over \$208 but not over \$383-----	\$24.36 plus 16% of excess over \$208.
Over \$383 but not over \$767-----	\$52.36 plus 18% of excess over \$383.
Over \$767 but not over \$1,500-----	\$121.48 plus 21% of excess over \$767.
Over \$1,500 but not over \$1,833---	\$275.41 plus 26% of excess over \$1,500.
Over \$1,833-----	\$361.99 plus 31% of excess over \$1,833.

**“Table 5—If the payroll period with respect to an employee is
QUARTERLY**

“(a) Single Person—Including Head of Household:

“If the amount of wages is:

Not over \$275-----	0.
Over \$275 but not over \$425-----	21% of excess over \$275.
Over \$425 but not over \$675-----	\$31.50 plus 27% of excess over \$425.
Over \$675 but not over \$1,150-----	\$99.00 plus 18% of excess over \$675.
Over \$1,150 but not over \$2,300-----	\$184.50 plus 21% of excess over \$1,150.
Over \$2,300 but not over \$2,750---	\$426.00 plus 26% of excess over \$2,300.
Over \$2,750-----	\$543.00 plus 31% of excess over \$2,750.

“(b) Married Person:

“If the amount of wages is:

Not over \$275-----	0.
Over \$275 but not over \$625-----	21% of excess over \$275.
Over \$625 but not over \$1,150-----	\$78.50 plus 16% of excess over \$625.
Over \$1,150 but not over \$2,300----	\$157.50 plus 18% of excess over \$1,150.
Over \$2,300 but not over \$4,500---	\$364.50 plus 21% of excess over \$2,300.
Over \$4,500 but not over \$5,500---	\$826.50 plus 26% of excess over \$4,500.
Over \$5,500-----	\$1,086.50 plus 31% of excess over \$5,500.

“Table 6—If the payroll period with respect to an employee is SEMIANNUAL

“(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$550-----	0.
Over \$550 but not over \$850-----	21% of excess over \$550.
Over \$850 but not over \$1,350-----	\$63 plus 27% of excess over \$850.
Over \$1,350 but not over \$2,300-----	\$198 plus 18% of excess over \$1,350.
Over \$2,300 but not over \$4,600-----	\$369 plus 21% of excess over \$2,300.
Over \$4,600 but not over \$5,500-----	\$852 plus 26% of excess over \$4,600.
Over \$5,500-----	\$1,086 plus 31% of excess over \$5,500.

“(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$550-----	0.
Over \$550 but not over \$1,250-----	21% of excess over \$550.
Over \$1,250 but not over \$2,300-----	\$147 plus 16% of excess over \$1,250.
Over \$2,300 but not over \$4,600-----	\$315 plus 18% of excess over \$2,300.
Over \$4,600 but not over \$9,000-----	\$729 plus 21% of excess over \$4,600.
Over \$9,000 but not over \$11,000-----	\$1,653 plus 26% of excess over \$9,000.
Over \$11,000-----	\$2,173 plus 31% of excess over \$11,000.

“Table 7—If the payroll period with respect to an employee is ANNUAL

“(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$1,100-----	0.
Over \$1,100 but not over \$1,700-----	21% of excess over \$1,100.
Over \$1,700 but not over \$2,700-----	\$126 plus 27% of excess over \$1,700.
Over \$2,700 but not over \$4,600-----	\$396 plus 18% of excess over \$2,700.
Over \$4,600 but not over \$9,200-----	\$738 plus 21% of excess over \$4,600.
Over \$9,200 but not over \$11,000-----	\$1,704 plus 26% of excess over \$9,200.
Over \$11,000-----	\$2,172 plus 31% of excess over \$11,000.

“(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$1,100-----	0.
Over \$1,100 but not over \$2,500-----	21% of excess over \$1,100.
Over \$2,500 but not over \$4,600-----	\$294 plus 16% of excess over \$2,500.
Over \$4,600 but not over \$9,200-----	\$630 plus 18% of excess over \$4,600.
Over \$9,200 but not over \$18,000-----	\$1,458 plus 21% of excess over \$9,200.
Over \$18,000 but not over \$22,000-----	\$3,306 plus 26% of excess over \$18,000.
Over \$22,000-----	\$4,346 plus 31% of excess over \$22,000.

“Table 8—If the payroll period with respect to an employee is a DAILY payroll period or a miscellaneous payroll period

“(a) Single Person—Including Head of Household:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be:
Not over \$3.00-----	0.
Over \$3.00 but not over \$4.70-----	21% of excess over \$3.00.
Over \$4.70 but not over \$7.40-----	\$0.36 plus 27% of excess over \$4.70.
Over \$7.40 but not over \$12.60-----	\$1.09 plus 18% of excess over \$7.40.
Over \$12.60 but not over \$25.20-----	\$2.02 plus 21% of excess over \$12.60.
Over \$25.20 but not over \$30.10-----	\$4.67 plus 26% of excess over \$25.20.
Over \$30.10-----	\$5.94 plus 31% of excess over \$30.10.

“(b) Married Person:

“If the amount of wages divided by the number of days in the payroll period is:

Not over \$3.00-----
Over \$3.00 but not over \$6.80-----
Over \$6.80 but not over \$12.60-----
Over \$12.60 but not over \$25.20-----
Over \$25.20 but not over \$49.30-----
Over \$49.30 but not over \$60.30-----
Over \$60.30-----

The amount of income tax to be withheld shall be:

0.
21% of excess over \$3.00.
\$0.80 plus 16% of excess over \$6.80.
\$1.73 plus 18% of excess over \$12.60.
\$3.99 plus 21% of excess over \$25.20.
\$9.06 plus 26% of excess over \$49.30.
\$11.92 plus 31% of excess over \$60.30.

“(2) In the case of wages paid after June 30, 1970, and before January 1, 1971:

“Table 1—If the payroll period with respect to an employee is WEEKLY

“(a) Single Person—Including Head of Household:

“If the amount of wages is:

Not over \$21-----
Over \$21 but not over \$33-----
Over \$33 but not over \$52-----
Over \$52 but not over \$88-----
Over \$88 but not over \$177-----
Over \$177 but not over \$212-----
Over \$212-----

The amount of income tax to be withheld shall be:

0.
21% of excess over \$21.
\$2.52 plus 25% of excess over \$33.
\$7.27 plus 17% of excess over \$52.
\$13.39 plus 21% of excess over \$88.
\$32.08 plus 25% of excess over \$177.
\$40.83 plus 30% of excess over \$212.

“(b) Married Person:

“If the amount of wages is:

Not over \$21-----
Over \$21 but not over \$48-----
Over \$48 but not over \$88-----
Over \$88 but not over \$177-----
Over \$177 but not over \$346-----
Over \$346 but not over \$423-----
Over \$423-----

The amount of income tax to be withheld shall be:

0.
21% of excess over \$21.
\$5.67 plus 15% of excess over \$48.
\$11.67 plus 17% of excess over \$88.
\$26.80 plus 20% of excess over \$177.
\$60.60 plus 25% of excess over \$346.
\$79.85 plus 30% of excess over \$423.

“Table 2—If the payroll period with respect to an employee is BI-WEEKLY

“(a) Single Person—Including Head of Household:

“If the amount of wages is:

Not over \$42-----
Over \$42 but not over \$65-----
Over \$65 but not over \$104-----
Over \$104 but not over \$177-----
Over \$177 but not over \$354-----
Over \$354 but not over \$423-----
Over \$423-----

The amount of income tax to be withheld shall be:

0.
21% of excess over \$42.
\$4.83 plus 25% of excess over \$65.
\$14.58 plus 17% of excess over \$104.
\$26.99 plus 21% of excess over \$177.
\$64.16 plus 25% of excess over \$354.
\$81.41 plus 30% of excess over \$423.

“(b) Married Person:

“If the amount of wages is:

Not over \$42-----
Over \$42 but not over \$96-----
Over \$96 but not over \$177-----
Over \$177 but not over \$354-----
Over \$354 but not over \$692-----
Over \$692 but not over \$846-----

The amount of income tax to be withheld shall be:

0.
21% of excess over \$42.
\$11.34 plus 15% of excess over \$96.
\$23.49 plus 17% of excess over \$177.
\$53.58 plus 20% of excess over \$354.
\$121.18 plus 25% of excess over \$692.
\$159.68 plus 30% of excess over \$846.

“Table 3—If the payroll period with respect to an employee is SEMIMONTLY

“(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$46-----	0.
Over \$46 but not over \$71-----	21% of excess over \$46.
Over \$71 but not over \$113-----	\$5.25 plus 25% of excess over \$71.
Over \$113 but not over \$192-----	\$15.75 plus 17% of excess over \$113.
Over \$192 but not over \$383-----	\$29.18 plus 21% of excess over \$192.
Over \$383 but not over \$458-----	\$69.29 plus 25% of excess over \$383.
Over \$458-----	\$88.04 plus 30% of excess over \$458.

“(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$46-----	0.
Over \$46 but not over \$104-----	21% of excess over \$46.
Over \$104 but not over \$192-----	\$12.18 plus 15% of excess over \$104.
Over \$192 but not over \$383-----	\$25.38 plus 17% of excess over \$192.
Over \$383 but not over \$750-----	\$57.85 plus 20% of excess over \$383.
Over \$750 but not over \$917-----	\$131.25 plus 25% of excess over \$750.
Over \$917-----	\$173.00 plus 30% of excess over \$917.

“Table 4.—If the payroll period with respect to an employee is MONTHLY

“(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$92-----	0.
Over \$92 but not over \$142-----	21% of excess over \$92.
Over \$142 but not over \$225-----	\$10.50 plus 25% of excess over \$142.
Over \$225 but not over \$383-----	\$31.25 plus 17% of excess over \$225.
Over \$383 but not over \$767-----	\$58.11 plus 21% of excess over \$383.
Over \$767 but not over \$917-----	\$138.75 plus 25% of excess over \$767.
Over \$917-----	\$176.25 plus 30% of excess over \$917.

“(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$92-----	0.
Over \$92 but not over \$208-----	21% of excess over \$92.
Over \$208 but not over \$383-----	\$24.36 plus 15% of excess over \$208.
Over \$383 but not over \$767-----	\$50.61 plus 17% of excess over \$383.
Over \$767 but not over \$1,500-----	\$115.89 plus 20% of excess over \$767.
Over \$1,500 but not over \$1,833-----	\$262.49 plus 25% of excess over \$1,500.
Over \$1,833-----	\$345.74 plus 30% of excess over \$1,833.

“Table 5—If the payroll period with respect to an employee is QUARTERLY

“(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$275-----	0.
Over \$275 but not over \$425-----	21% of excess over \$275.
Over \$425 but not over \$675-----	\$31.50 plus 25% of excess over \$425.
Over \$675 but not over \$1,150-----	\$94.00 plus 17% of excess over \$675.
Over \$1,150 but not over \$2,300-----	\$174.75 plus 21% of excess over \$1,150.
Over \$2,300 but not over \$2,750-----	\$416.25 plus 25% of excess over \$2,300.
Over \$2,750-----	\$528.75 plus 30% of excess over \$2,750.

“(b) Married Person:

“If the amount of wages is:

Not over \$275-----
Over \$275 but not over \$625-----
Over \$625 but not over \$1,150-----
Over \$1,150 but not over \$2,300-----
Over \$2,300 but not over \$4,500-----
Over \$4,500 but not over \$5,500-----
Over \$5,500-----

The amount of income tax to be withheld shall be:

0.
21% of excess over \$275.
\$73.50 plus 15% of excess over \$625.
\$152.25 plus 17% of excess over \$1,150.
\$347.75 plus 20% of excess over \$2,300.
\$787.75 plus 25% of excess over \$4,500.
\$1,037.75 plus 30% of excess over \$5,500.

“Table 6—If the payroll period with respect to an employee is SEMIANNUAL

“(a) Single Person—Including Head of Household:

“If the amount of wages is:

Not over \$550-----
Over \$550 but not over \$850-----
Over \$850 but not over \$1,350-----
Over \$1,350 but not over \$2,300-----
Over \$2,300 but not over \$4,600-----
Over \$4,600 but not over \$5,500-----
Over \$5,500-----

The amount of income tax to be withheld shall be:

0.
21% of excess over \$550.
\$63.00 plus 25% of excess over \$850.
\$188.00 plus 17% of excess over \$1,350.
\$349.50 plus 21% of excess over \$2,300.
\$832.50 plus 25% of excess over \$4,600.
\$1,057.50 plus 30% of excess over \$5,500.

“(b) Married Person:

“If the amount of wages is:

Not over \$550-----
Over \$550 but not over \$1,250-----
Over \$1,250 but not over \$2,300-----
Over \$2,300 but not over \$4,600-----
Over \$4,600 but not over \$9,000-----
Over \$9,000 but not over \$11,000-----
Over \$11,000-----

The amount of income tax to be withheld shall be:

0.
21% of excess over \$550.
\$147.00 plus 15% of excess over \$1,250.
\$304.50 plus 17% of excess over \$2,300.
\$695.50 plus 20% of excess over \$4,600.
\$1,575.50 plus 25% of excess over \$9,000.
\$2,075.50 plus 30% of excess over \$11,000.

“Table 7—If the payroll period with respect to an employee is ANNUAL

“(a) Single Person—Including Head of Household:

“If the amount of wages is:

Not over \$1,100-----
Over \$1,100 but not over \$1,700-----
Over \$1,700 but not over \$2,700-----
Over \$2,700 but not over \$4,600-----
Over \$4,600 but not over \$9,200-----
Over \$9,200 but not over \$11,000-----
Over \$11,000-----

The amount of income tax to be withheld shall be:

0.
21% of excess over \$1,100.
\$126 plus 25% of excess over \$1,700.
\$376 plus 17% of excess over \$2,700.
\$699 plus 21% of excess over \$4,600.
\$1,665 plus 25% of excess over \$9,200.
\$2,115 plus 30% of excess over \$11,000.

“(b) Married Person:

“If the amount of wages is:

	The amount of income tax to be withheld shall be:
Not over \$1,100-----	0.
Over \$1,100 but not over \$2,500-----	21% of excess over \$1,100.
Over \$2,500 but not over \$4,600-----	\$294 plus 15% of excess over \$2,500.
Over \$4,600 but not over \$9,200-----	\$609 plus 17% of excess over \$4,600.
Over \$9,200 but not over \$18,000-----	\$1,391 plus 20% of excess over \$9,200.
Over \$18,000 but not over \$22,000-----	\$3,151 plus 25% of excess over \$18,000.
Over \$22,000-----	\$4,151 plus 30% of excess over \$22,000.

“Table 8—If the payroll period with respect to an employee is a DAILY payroll period or a miscellaneous payroll period

“(a) Single Person—Including Head of Household:

“If the amount of wages divided by the number of days in the payroll period is:

Not over \$3.00-----
Over \$3.00 but not over \$4.70-----
Over \$4.70 but not over \$7.40-----
Over \$7.40 but not over \$12.60-----
Over \$12.60 but not over \$25.20-----
Over \$25.20 but not over \$30.10-----
Over \$30.10-----

The amount of income tax to be withheld shall be:

0.
21% of excess over \$3.00.
\$0.36 plus 25% of excess over \$4.70.
\$1.03 plus 17% of excess over \$7.40.
\$1.92 plus 21% of excess over \$12.60.
\$4.56 plus 25% of excess over \$25.20.
\$5.79 plus 30% of excess over \$30.10.

“(b) Married Person:

“If the amount of wages divided by the number of days in the payroll period is:

Not over \$3.00-----
Over \$3.00 but not over \$6.80-----
Over \$6.80 but not over \$12.60-----
Over \$12.60 but not over \$25.20-----
Over \$25.20 but not over \$49.30-----
Over \$49.30 but not over \$60.30-----
Over \$60.30-----

The amount of income tax to be withheld shall be:

0.
21% of excess over \$3.00.
\$0.80 plus 15% of excess over \$6.80.
\$1.67 plus 17% of excess over \$12.60.
\$3.81 plus 20% of excess over \$25.20.
\$8.63 plus 25% of excess over \$49.30.
\$11.38 plus 30% of excess over \$60.30.

“(3) In the case of wages paid after December 31, 1970, and before January 1, 1972:

“Table 1—If the payroll period with respect to an employee is WEEKLY

“(a) Single Person—Including Head of Household:

“If the amount of wages is:

Not over \$20-----
Over \$20 but not over \$31-----
Over \$31 but not over \$50-----
Over \$50 but not over \$100-----
Over \$100 but not over \$135-----
Over \$135 but not over \$212-----
Over \$212-----

The amount of income tax to be withheld shall be:

0.
14% of excess over \$20.
\$1.54 plus 17% of excess over \$31.
\$4.77 plus 20% of excess over \$50.
\$14.77 plus 18% of excess over \$100.
\$21.07 plus 21% of excess over \$135.
\$37.24 plus 24% of excess over \$212.

“(b) Married Person:

“If the amount of wages is:

Not over \$20-----
Over \$20 but not over \$42-----
Over \$42 but not over \$77-----
Over \$77 but not over \$163-----
Over \$163 but not over \$269-----
Over \$269 but not over \$385-----
Over \$385-----

The amount of income tax to be withheld shall be:

0.
14% of excess over \$20.
\$3.08 plus 17% of excess over \$42.
\$9.03 plus 16% of excess over \$77.
\$22.79 plus 19% of excess over \$163.
\$42.93 plus 21% of excess over \$269.
\$67.29 plus 25% of excess over \$385.

“Table 2—If the payroll period with respect to an employee is BI-WEEKLY

“(a) Single Person—Including Head of Household:

“If the amount of wages is:

Not over \$40-----
Over \$40 but not over \$62-----
Over \$62 but not over \$100-----
Over \$100 but not over \$200-----
Over \$200 but not over \$269-----
Over \$269 but not over \$423-----
Over \$423-----

The amount of income tax to be withheld shall be:

0.
14% of excess over \$40.
\$3.08 plus 17% of excess over \$62.
\$9.54 plus 20% of excess over \$100.
\$29.54 plus 18% of excess over \$200.
\$41.96 plus 21% of excess over \$269.
\$74.30 plus 24% of excess over \$423.

“(b) Married Person:

“If the amount of wages is:

Not over \$40-----
Over \$40 but not over \$85-----
Over \$85 but not over \$154-----
Over \$154 but not over \$327-----
Over \$327 but not over \$538-----
Over \$538 but not over \$769-----
Over \$769-----

The amount of income tax to be withheld shall be:

0.
14% of excess over \$40.
\$6.30 plus 17% of excess over \$85.
\$18.03 plus 16% of excess over \$154.
\$45.71 plus 19% of excess over \$327.
\$85.80 plus 21% of excess over \$538.
\$134.31 plus 25% of excess over \$769.

“Table 3—If the payroll period with respect to an employee is SEMIMONTHLY

“(a) Single Person—Including Head of Household:

“If the amount of wages is:

Not over \$44-----
Over \$44 but not over \$67-----
Over \$67 but not over \$108-----
Over \$108 but not over \$217-----
Over \$217 but not over \$292-----
Over \$292 but not over \$458-----
Over \$458-----

The amount of income tax to be withheld shall be:

0.
14% of excess over \$44.
\$3.22 plus 17% of excess over \$67.
\$10.19 plus 20% of excess over \$108.
\$31.99 plus 18% of excess over \$217.
\$45.49 plus 21% of excess over \$292.
\$80.35 plus 24% of excess over \$458.

“(b) Married Person:

“If the amount of wages is:

Not over \$44-----
Over \$44 but not over \$92-----
Over \$92 but not over \$167-----
Over \$167 but not over \$354-----
Over \$354 but not over \$583-----
Over \$583 but not over \$833-----
Over \$833-----

The amount of income tax to be withheld shall be:

0.
14% of excess over \$44.
\$6.72 plus 17% of excess over \$92.
\$19.47 plus 16% of excess over \$167.
\$49.39 plus 19% of excess over \$354.
\$92.90 plus 21% of excess over \$583.
\$145.40 plus 25% of excess over \$833.

“Table 4—If the payroll period with respect to an employee is MONTHLY

“(a) Single Person—Including Head of Household:

“If the amount of wages is:

Not over \$88-----
Over \$88 but not over \$133-----
Over \$133 but not over \$217-----
Over \$217 but not over \$433-----
Over \$433 but not over \$583-----
Over \$583 but not over \$917-----
Over \$917-----

The amount of income tax to be withheld shall be:

0.
14% of excess over \$88.
\$6.30 plus 17% of excess over \$133.
\$20.58 plus 20% of excess over \$217.
\$63.78 plus 18% of excess over \$433.
\$90.78 plus 21% of excess over \$583.
\$160.92 plus 24% of excess over \$917.

“(b) Married Person:

“If the amount of wages is:

	The amount of income tax to be withheld shall be:
Not over \$88-----	0.
Over \$88 but not over \$183-----	14% of excess over \$88.
Over \$183 but not over \$333-----	\$13.30 plus 17% of excess over \$183.
Over \$333 but not over \$708-----	\$38.80 plus 16% of excess over \$333.
Over \$708 but not over \$1,167-----	\$98.80 plus 19% of excess over \$708.
Over \$1,167 but not over \$1,667-----	\$186.01 plus 21% of excess over \$1,167.
Over \$1,667-----	\$291.01 plus 25% of excess over \$1,667.

“Table 5—If the payroll period with respect to an employee is QUARTERLY

“(a) Single Person—Including Head of Household:

“If the amount of wages is:

	The amount of income tax to be withheld shall be:
Not over \$263-----	0.
Over \$263 but not over \$400-----	14% of excess over \$263.
Over \$400 but not over \$650-----	\$19.18 plus 17% of excess over \$400.
Over \$650 but not over \$1,300-----	\$61.68 plus 20% of excess over \$650.
Over \$1,300 but not over \$1,750-----	\$191.68 plus 18% of excess over \$1,300.
Over \$1,750 but not over \$2,750-----	\$272.68 plus 21% of excess over \$1,750.
Over \$2,750-----	\$482.68 plus 24% of excess over \$2,750.

“(b) Married Person:

“If the amount of wages is:

	The amount of income tax to be withheld shall be:
Not over \$263-----	0.
Over \$263 but not over \$550-----	14% of excess over \$263.
Over \$550 but not over \$1,000-----	\$40.18 plus 17% of excess over \$550.
Over \$1,000 but not over \$2,125-----	\$116.68 plus 16% of excess over \$1,000.
Over \$2,125 but not over \$3,500-----	\$296.68 plus 19% of excess over \$2,125.
Over \$3,500 but not over \$5,000-----	\$557.93 plus 21% of excess over \$3,500.
Over \$5,000-----	\$872.93 plus 25% of excess over \$5,000.

“Table 6—If the payroll period with respect to an employee is SEMIANNUAL

“(a) Single Person—Including Head of Household:

“If the amount of wages is:

	The amount of income tax to be withheld shall be:
Not over \$525-----	0.
Over \$525 but not over \$800-----	14% of excess over \$525.
Over \$800 but not over \$1,300-----	\$38.50 plus 17% of excess over \$800.
Over \$1,300 but not over \$2,600-----	\$123.50 plus 20% of excess over \$1,300.
Over \$2,600 but not over \$3,500-----	\$383.50 plus 18% of excess over \$2,600.
Over \$3,500 but not over \$5,500-----	\$745.50 plus 21% of excess over \$3,500.
Over \$5,500-----	\$965.50 plus 24% of excess over \$5,500.

“(b) Married Person:**“If the amount of wages is:**

Not over \$525-----
Over \$525 but not over \$1,100-----
Over \$1,100 but not over \$2,000-----
Over \$2,000 but not over \$4,250-----
Over \$4,250 but not over \$7,000-----
Over \$7,000 but not over \$10,000-----
Over \$10,000-----

The amount of income tax to be withheld shall be:

0.
14% of excess over \$525.
\$80.50 plus 17% of excess over \$1,100.
\$233.50 plus 16% of excess over \$2,000.
\$593.50 plus 19% of excess over \$4,250.
\$1,116.00 plus 21% of excess over \$7,000.
\$1,746.00 plus 25% of excess over \$10,000.

“Table 7—If the payroll period with respect to an employee is ANNUAL**“(a) Single Person—Including Head of Household:****“If the amount of wages is:**

Not over \$1,050-----
Over \$1,050 but not over \$1,600-----
Over \$1,600 but not over \$2,600-----
Over \$2,600 but not over \$5,200-----
Over \$5,200 but not over \$7,000-----
Over \$7,000 but not over \$11,000-----
Over \$11,000-----

The amount of income tax to be withheld shall be:

0.
14% of excess over \$1,050.
\$77 plus 17% of excess over \$1,600.
\$247 plus 20% of excess over \$2,600.
\$767 plus 18% of excess over \$5,200.
\$1,091 plus 21% of excess over \$7,000.
\$1,931 plus 24% of excess over \$11,000.

“(b) Married Person:**“If the amount of wages is:**

Not over \$1,050-----
Over \$1,050 but not over \$2,200-----
Over \$2,200 but not over \$4,000-----
Over \$4,000 but not over \$8,500-----
Over \$8,500 but not over \$14,000-----
Over \$14,000 but not over \$20,000-----
Over \$20,000-----

The amount of income tax to be withheld shall be:

0.
14% of excess over \$1,050.
\$161 plus 17% of excess over \$2,200.
\$467 plus 16% of excess over \$4,000.
\$1,187 plus 19% of excess over \$8,500.
\$2,232 plus 21% of excess over \$14,000.
\$3,492 plus 25% of excess over \$20,000.

“Table 8—If the payroll period with respect to an employee is a DAILY payroll period or a miscellaneous payroll period**“(a) Single Person—Including Head of Household:****“If the amount of wages divided by the number of days in the payroll period is:**

Not over \$2.90-----
Over \$2.90 but not over \$4.40-----
Over \$4.40 but not over \$7.10-----
Over \$7.10 but not over \$14.20-----
Over \$14.20 but not over \$19.20-----
Over \$19.20 but not over \$30.10-----
Over \$30.10-----

The amount of income tax to be withheld shall be:

0.
14% of excess over \$2.90.
\$0.21 plus 17% of excess over \$4.40.
\$0.67 plus 20% of excess over \$7.10.
\$2.09 plus 18% of excess over \$14.20.
\$2.99 plus 21% of excess over \$19.20.
\$5.28 plus 24% of excess over \$30.10.

“(b) Married Person:

“If the amount of wages divided by the number of days in the payroll period is:

Not over \$2.90-----
Over \$2.90 but not over \$6.00-----
Over \$6.00 but not over \$11.00-----
Over \$11.00 but not over \$23.30-----
Over \$23.30 but not over \$38.40-----
Over \$38.40 but not over \$54.80-----
Over \$54.80-----

The amount of income tax to be withheld shall be:

0.
14% of excess over \$2.90.
\$0.43 plus 17% of excess over \$6.00.
\$1.28 plus 16% of excess over \$11.00.
\$3.25 plus 19% of excess over \$23.30.
\$6.12 plus 21% of excess over \$38.40.
\$9.57 plus 25% of excess over \$54.80.

“(4) In case of wages paid after December 31, 1971, and before January 1, 1973:

“Table 1—If the payroll period with respect to an employee is WEEKLY

“(a) Single Person—Including Head of Household:

“If the amount of wages is:

Not over \$19-----
Over \$19 but not over \$38-----
Over \$38 but not over \$58-----
Over \$58 but not over \$87-----
Over \$87 but not over \$135-----
Over \$135 but not over \$221-----
Over \$221-----

The amount of income tax to be withheld shall be:

0.
14% of excess over \$19.
\$2.66 plus 17% of excess over \$38.
\$6.06 plus 19% of excess over \$58.
\$11.57 plus 20% of excess over \$87.
\$21.17 plus 21% of excess over \$135.
\$39.23 plus 24% of excess over \$221.

“(b) Married Person:

“If the amount of wages is:

Not over \$19-----
Over \$19 but not over \$48-----
Over \$48 but not over \$183-----
Over \$183 but not over \$269-----
Over \$269 but not over \$365-----
Over \$365 but not over \$442-----
Over \$442-----

The amount of income tax to be withheld shall be:

0.
14% of excess over \$19.
\$4.06 plus 16% of excess over \$48.
\$25.66 plus 19% of excess over \$183.
\$42.00 plus 21% of excess over \$269.
\$62.16 plus 24% of excess over \$365.
\$80.64 plus 28% of excess over \$442.

“Table 2—If the payroll period with respect to an employee is BIWEEKLY

(a) Single Person—Including Head of Household:

“If the amount of wages is:

Not over \$38-----
Over \$38 but not over \$77-----
Over \$77 but not over \$115-----
Over \$115 but not over \$173-----
Over \$173 but not over \$269-----
Over \$269 but not over \$442-----
Over \$442-----

The amount of income tax to be withheld shall be:

0.
14% of excess over \$38.
\$5.46 plus 17% of excess over \$77.
\$11.92 plus 19% of excess over \$115.
\$22.94 plus 20% of excess over \$173.
\$42.14 plus 21% of excess over \$269.
\$78.47 plus 24% of excess over \$442.

(b) Married Person:

“If the amount of wages is:

Not over \$38-----
Over \$38 but not over \$96-----
Over \$96 but not over \$365-----
Over \$365 but not over \$538-----
Over \$538 but not over \$731-----
Over \$731 but not over \$885-----
Over \$885-----

The amount of income tax to be withheld shall be:

0.
14% of excess over \$38.
\$8.12 plus 16% of excess over \$96.
\$51.16 plus 19% of excess over \$365.
\$84.08 plus 21% of excess over \$538.
\$124.56 plus 24% of excess over \$731.
\$161.52 plus 28% of excess over \$885.

"Table 3—If the payroll period with respect to an employee is SEMI-MONTHLY"

"(a) Single Person—Including Head of Household:

"If the amount of wages is:

Not over \$42-----	
Over \$42 but not over \$83-----	
Over \$83 but not over \$125-----	
Over \$125 but not over \$188-----	
Over \$188 but not over \$292-----	
Over \$292 but not over \$479-----	
Over \$479-----	

The amount of income tax to be withheld shall be:

0.	
14% of excess over \$42.	
\$5.74 plus 17% of excess over \$83.	
\$12.88 plus 19% of excess over \$125.	
\$24.85 plus 20% of excess over \$188.	
\$45.65 plus 21% of excess over \$292.	
\$84.92 plus 24% of excess over \$479.	

"(b) Married Person:

"If the amount of wages is:

Not over \$42-----	
Over \$42 but not over \$104-----	
Over \$104 but not over \$396-----	
Over \$396 but not over \$583-----	
Over \$583 but not over \$792-----	
Over \$792 but not over \$958-----	
Over \$958-----	

The amount of income tax to be withheld shall be:

0.	
14% of excess over \$42.	
\$8.68 plus 16% of excess over \$104.	
\$55.40 plus 19% of excess over \$396.	
\$90.93 plus 21% of excess over \$583.	
\$134.82 plus 24% of excess over \$792.	
\$174.66 plus 28% of excess over \$958.	

"Table 4—If the payroll period with respect to an employee is MONTHLY"

"(a) Single Person—Including Head of Household:

"If the amount of wages is:

Not over \$83-----	
Over \$83 but not over \$167-----	
Over \$167 but not over \$250-----	
Over \$250 but not over \$375-----	
Over \$375 but not over \$583-----	
Over \$583 but not over \$958-----	
Over \$958-----	

The amount of income tax to be withheld shall be:

0.	
14% of excess over \$83.	
\$11.76 plus 17% of excess over \$167.	
\$25.87 plus 19% of excess over \$250.	
\$49.62 plus 20% of excess over \$375.	
\$91.22 plus 21% of excess over \$583.	
\$169.97 plus 24% of excess over \$958.	

"(b) Married Person:

"If the amount of wages is:

Not over \$83-----	
Over \$83 but not over \$208-----	
Over \$208 but not over \$792-----	
Over \$792 but not over \$1,167-----	
Over \$1,167 but not over \$1,583-----	
Over \$1,583 but not over \$1,917-----	
Over \$1,917-----	

The amount of income tax to be withheld shall be:

0.	
14% of excess over \$83.	
\$17.50 plus 16% of excess over \$208.	
\$110.94 plus 19% of excess over \$792.	
\$182.19 plus 21% of excess over \$1,167.	
\$269.55 plus 24% of excess over \$1,583.	
\$349.71 plus 28% of excess over \$1,917.	

“Table 5—If the payroll period with respect to an employee is
QUARTERLY

“(a) Single Person—Including Head of Household:

“If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$250-----	0.
Over \$250 but not over \$500-----	14% of excess over \$250.
Over \$500 but not over \$750-----	\$35.00 plus 17% of excess over \$500.
Over \$750 but not over \$1,125-----	\$77.50 plus 19% of excess over \$750.
Over \$1,125 but not over \$1,750-----	\$148.75 plus 20% of excess over \$1,125.
Over \$1,750 but not over \$2,875-----	\$273.75 plus 21% of excess over \$1,750.
Over \$2,875-----	\$510.00 plus 24% of excess over \$2,875.

“(b) Married Person:

“If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$250-----	0.
Over \$250 but not over \$625-----	14% of excess over \$250.
Over \$625 but not over \$2,375-----	\$52.50 plus 16% of excess over \$625.
Over \$2,375 but not over \$3,500---	\$332.50 plus 19% of excess over \$2,375.
Over \$3,500 but not over \$4,750---	\$546.25 plus 21% of excess over \$3,500.
Over \$4,750 but not over \$5,750---	\$808.75 plus 24% of excess over \$4,750.
Over \$5,750-----	\$1,048.75 plus 28% of excess over \$5,750.

“Table 6—If the payroll period with respect to an employee is
SEMIANNUAL

“(a) Single Person—Including Head of Household:

“If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$500-----	0.
Over \$500 but not over \$1,000-----	14% of excess over \$500.
Over \$1,000 but not over \$1,500-----	\$70.00 plus 17% of excess over \$1,000.
Over \$1,500 but not over \$2,250-----	\$155.00 plus 19% of excess over \$1,500.
Over \$2,250 but not over \$3,500---	\$297.50 plus 20% of excess over \$2,250.
Over \$3,500 but not over \$5,750---	\$547.50 plus 21% of excess over \$3,500.
Over \$5,750-----	\$1,020.00 plus 24% of excess over \$5,750.

“(b) Married Person:

“If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$500-----	0.
Over \$500 but not over \$1,250-----	14% of excess over \$500.
Over \$1,250 but not over \$4,750-----	\$105.00 plus 16% of excess over \$1,250.
Over \$4,750 but not over \$7,000----	\$665.00 plus 19% of excess over \$4,750.
Over \$7,000 but not over \$9,500----	\$1,092.50 plus 21% of excess over \$7,000.
Over \$9,500 but not over \$11,500---	\$1,617.50 plus 24% of excess over \$9,500.
Over \$11,500-----	\$2,097.50 plus 28% of excess over \$11,500.

“Table 7—If the payroll period with respect to an employee is ANNUAL

“(a) Single Person—Including Head of Household:

“If the amount of wages is:

Not over \$1,000-----	0.
Over \$1,000 but not over \$2,000-----	14% of excess over \$1,000.
Over \$2,000 but not over \$3,000-----	\$140 plus 17% of excess over \$2,000.
Over \$3,000 but not over \$4,500-----	\$310 plus 19% of excess over \$3,000.
Over \$4,500 but not over \$7,000-----	\$595 plus 20% of excess over \$4,500.
Over \$7,000 but not over \$11,500-----	\$1,095 plus 21% of excess over \$7,000.
Over \$11,500-----	\$2,040 plus 24% of excess over \$11,500.

“(b) Married Person:

“If the amount of wages is:

Not over \$1,000-----	0.
Over \$1,000 but not over \$2,500-----	14% of excess over \$1,000.
Over \$2,500 but not over \$9,500-----	\$210 plus 16% of excess over \$2,500.
Over \$9,500 but not over \$14,000-----	\$1,330 plus 19% of excess over \$9,500.
Over \$14,000 but not over \$19,000-----	\$2,185 plus 21% of excess over \$14,000.
Over \$19,000 but not over \$23,000-----	\$3,235 plus 24% of excess over \$19,000.
Over \$23,000-----	\$4,195 plus 28% of excess over \$23,000.

“Table 8—If the payroll period with respect to an employee is a DAILY payroll period or a miscellaneous payroll period

“(a) Single Person—Including Head of Household:

“If the amount of wages divided by the number of days in the payroll period is:

Not over \$2.70-----	0.
Over \$2.70 but not over \$5.50-----	14% of excess over \$2.70.
Over \$5.50 but not over \$8.20-----	\$0.39 plus 17% of excess over \$5.50.
Over \$8.20 but not over \$12.30-----	\$0.85 plus 19% of excess over \$8.20.
Over \$12.30 but not over \$19.20-----	\$1.63 plus 20% of excess over \$12.30.
Over \$19.20 but not over \$31.50-----	\$3.01 plus 21% of excess over \$19.20.
Over \$31.50-----	\$5.59 plus 24% of excess over \$31.50.

“(b) Married Person:

“If the amount of wages divided by the number of days in the payroll period is:

Not over \$2.70-----	0.
Over \$2.70 but not over \$6.80-----	14% of excess over \$2.70.
Over \$6.80 but not over \$26.00-----	\$0.57 plus 16% of excess over \$6.80.
Over \$26.00 but not over \$38.40-----	\$3.65 plus 19% of excess over \$26.00.
Over \$38.40 but not over \$52.10-----	\$6.00 plus 21% of excess over \$38.40.
Over \$52.10 but not over \$63.00-----	\$8.88 plus 24% of excess over \$52.10.
Over \$63.00-----	\$11.50 plus 28% of excess over \$63.00.

“(5) In the case of wages paid after December 31, 1972:

**"Table 1—If the payroll period with respect to an employee is
WEEKLY**

"(a) Single Person—Including Head of Household:

"If the amount of wages is:

The amount of income tax to be withheld shall be:

Not over \$19-----	0.
Over \$19 but not over \$38-----	14% of excess over \$19.
Over \$38 but not over \$58-----	\$2.66 plus 17% of excess over \$38.
Over \$58 but not over \$96-----	\$6.06 plus 19% of excess over \$58.
Over \$96 but not over \$183-----	\$13.28 plus 20% of excess over \$96.
Over \$183 but not over \$221-----	\$30.68 plus 21% of excess over \$183.
Over \$221-----	\$38.66 plus 23% of excess over \$221.

"(b) Married Person:

"If the amount of wages is:

The amount of income tax to be withheld shall be:

Not over \$19-----	0.
Over \$19 but not over \$38-----	14% of excess over \$19.
Over \$38 but not over \$96-----	\$2.66 plus 15% of excess over \$38.
Over \$96 but not over \$183-----	\$11.36 plus 16% of excess over \$96.
Over \$183 but not over \$288-----	\$25.28 plus 19% of excess over \$183.
Over \$288 but not over \$442-----	\$45.23 plus 22% of excess over \$288.
Over \$442-----	\$79.11 plus 27% of excess over \$442.

**"Table 2—If the payroll period with respect to an employee is
BIWEEKLY**

"(a) Single Person—Including Head of Household:

"If the amount of wages is:

The amount of income tax to be withheld shall be:

Not over \$38-----	0.
Over \$38 but not over \$77-----	14% of excess over \$38.
Over \$77 but not over \$115-----	\$5.46 plus 17% of excess over \$77.
Over \$115 but not over \$192-----	\$11.92 plus 19% of excess over \$115.
Over \$192 but not over \$365-----	\$26.55 plus 20% of excess over \$192.
Over \$365 but not over \$442-----	\$61.15 plus 21% of excess over \$365.
Over \$442-----	\$77.32 plus 23% of excess over \$442.

"(b) Married Person:

"If the amount of wages is:

The amount of income tax to be withheld shall be:

Not over \$38-----	0.
Over \$38 but not over \$77-----	14% of excess over \$38.
Over \$77 but not over \$192-----	\$5.46 plus 15% of excess over \$77.
Over \$192 but not over \$365-----	\$22.71 plus 16% of excess over \$192.
Over \$365 but not over \$577-----	\$50.39 plus 19% of excess over \$365.
Over \$577 but not over \$885-----	\$90.67 plus 22% of excess over \$577.
Over \$885-----	\$158.43 plus 27% of excess over \$885.

**"Table 3—If the payroll period with respect to an employee is
SEMIMONTTHLY**

"(a) Single Person—Including Head of Household:

"If the amount of wages is:

The amount of income tax to be withheld shall be:

Not over \$42-----	0.
Over \$42 but not over \$83-----	14% of excess over \$42.
Over \$83 but not over \$125-----	\$5.74 plus 17% of excess over \$83.
Over \$125 but not over \$208-----	\$12.88 plus 19% of excess over \$125.
Over \$208 but not over \$396-----	\$28.65 plus 20% of excess over \$208.
Over \$396 but not over \$479-----	\$66.25 plus 21% of excess over \$396.
Over \$479-----	\$83.68 plus 23% of excess over \$479.

“(b) Married Person:

“If the amount of wages is:

Not over \$42-----
Over \$42 but not over \$83-----
Over \$83 but not over \$208-----
Over \$208 but not over \$396-----
Over \$396 but not over \$625-----
Over \$625 but not over \$958-----
Over \$958-----

The amount of income tax to be withheld shall be:

0.
14% of excess over \$42.
\$5.74 plus 15% of excess over \$83.
\$24.49 plus 16% of excess over \$208.
\$54.57 plus 19% of excess over \$396.
\$98.08 plus 22% of excess over \$625.
\$171.34 plus 27% of excess over \$958.

“Table 4—If the payroll period with respect to an employee is
MONTHLY

“(a) Single Person—Including Head of Household:

“If the amount of wages is:

Not over \$83-----
Over \$83 but not over \$167-----
Over \$167 but not over \$250-----
Over \$250 but not over \$417-----
Over \$417 but not over \$792-----
Over \$792 but not over \$958-----

Over \$958-----

The amount of income tax to be withheld shall be:

0.
14% of excess over \$83.
\$11.76 plus 17% of excess over \$167.
\$25.87 plus 19% of excess over \$250.
\$57.60 plus 20% of excess over \$417.
\$132.60 plus 21% of excess over \$792.
\$167.46 plus 23% of excess over \$958.

“(b) Married Person:

“If the amount of wages is:

Not over \$83-----
Over \$83 but not over \$167-----
Over \$167 but not over \$417-----
Over \$417 but not over \$792-----
Over \$792 but not over \$1,250-----

Over \$1,250 but not over \$1,917-----

Over \$1,917-----

The amount of income tax to be withheld shall be:

0.
14% of excess over \$83.
\$11.76 plus 15% of excess over \$167.
\$49.26 plus 16% of excess over \$417.
\$109.26 plus 19% of excess over \$792.
\$196.28 plus 22% of excess over \$1,250.
\$343.02 plus 27% of excess over \$1,917.

“Table 5—If the payroll period with respect to an employee is
QUARTERLY

“(a) Single Person—Including Head of Household:

“If the amount of wages is:

Not over \$250-----
Over \$250 but not over \$500-----
Over \$500 but not over \$750-----
Over \$750 but not over \$1,250-----
Over \$1,250 but not over \$2,375-----

Over \$2,375 but not over \$2,875-----

Over \$2,875-----

The amount of income tax to be withheld shall be:

0.
14% of excess over \$250.
\$35.00 plus 15% of excess over \$500.
\$77.50 plus 19% of excess over \$750.
\$172.50 plus 20% of excess over \$1,250.
\$397.50 plus 21% of excess over \$2,375.
\$502.50 plus 23% of excess over \$2,875.

“(b) Married Person:

“If the amount of wages is:

Not over \$250-----
Over \$250 but not over \$500-----
Over \$500 but not over \$1,250-----
Over \$1,250 but not over \$2,375-----

Over \$2,375 but not over \$3,750-----

Over \$3,750 but not over \$5,750-----

Over \$5,750-----

The amount of income tax to be withheld shall be:

0.
14% of excess over \$250.
\$35.00 plus 15% of excess over \$500.
\$147.50 plus 16% of excess over \$1,250.
\$327.50 plus 19% of excess over \$2,375.
\$588.75 plus 22% of excess over \$3,750.
\$1,028.75 plus 27% of excess over \$5,750.

“Table 6—If the payroll period with respect to an employee is SEMIANNUAL

“(a) Single Person—Including Head of Household:

“If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$500-----	0.
Over \$500 but not over \$1,000-----	14% of excess over \$500.
Over \$1,000 but not over \$1,500-----	\$70.00 plus 17% of excess over \$1,000.
Over \$1,500 but not over \$2,500-----	\$155.00 plus 19% of excess over \$1,500.
Over \$2,500 but not over \$4,750-----	\$345.00 plus 20% of excess over \$2,500.
Over \$4,750 but not over \$5,750-----	\$795.00 plus 21% of excess over \$4,750.
Over \$5,750-----	\$1,005.00 plus 23% of excess over \$5,750.

“(b) Married Person:

“If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$500-----	0.
Over \$500 but not over \$1,000-----	14% of excess over \$500.
Over \$1,000 but not over \$2,500-----	\$70.00 plus 15% of excess over \$1,000.
Over \$2,500 but not over \$4,750-----	\$295.00 plus 16% of excess over \$2,500.
Over \$4,750 but not over \$7,500-----	\$655.00 plus 19% of excess over \$4,750.
Over \$7,500 but not over \$11,500-----	\$1,177.50 plus 22% of excess over \$7,500.
Over \$11,500-----	\$2,057.50 plus 27% of excess over \$11,500.

“Table 7—If the payroll period with respect to an employee is ANNUAL

“(a) Single Person—Including Head of Household:

“If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$1,000-----	0.
Over \$1,000 but not over \$2,000-----	14% of excess over \$1,000.
Over \$2,000 but not over \$3,000-----	\$140 plus 17% of excess over \$2,000.
Over \$3,000 but not over \$5,000-----	\$310 plus 19% of excess over \$3,000.
Over \$5,000 but not over \$9,500-----	\$690 plus 20% of excess over \$5,000.
Over \$9,500 but not over \$11,500-----	\$1,590 plus 21% of excess over \$9,500.
Over \$11,500-----	\$2,010 plus 23% of excess over \$11,500.

“(b) Married Person:

“If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$1,000-----	0.
Over \$1,000 but not over \$2,000-----	14% of excess over \$1,000.
Over \$2,000 but not over \$5,000-----	\$140 plus 15% of excess over \$2,000.
Over \$5,000 but not over \$9,500-----	\$590 plus 16% of excess over \$5,000.
Over \$9,500 but not over \$15,000-----	\$1,310 plus 19% of excess over \$9,500.
Over \$15,000 but not over \$23,000-----	\$2,355 plus 22% of excess over \$15,000.
Over \$23,000-----	\$4,115 plus 27% of excess over \$23,000.

“Table 8—If the payroll period with respect to an employee is a DAILY payroll period or a miscellaneous payroll period

“(a) Single Person—Including Head of Household:

“If the amount of wages divided by the number of days in the payroll period is: **The amount of income tax to be withheld shall be:**

Not over \$2.70-----	0.
Over \$2.70 but not over \$5.50-----	14% of excess over \$2.70.
Over \$5.50 but not over \$8.20-----	\$0.39 plus 17% of excess over \$5.50.
Over \$8.20 but not over \$13.70-----	\$0.85 plus 19% of excess over \$8.20.
Over \$13.70 but not over \$26.00-----	\$1.90 plus 20% of excess over \$13.70.
Over \$26.00 but not over \$31.50-----	\$4.36 plus 21% of excess over \$26.00.
Over \$31.50-----	\$5.51 plus 23% of excess over \$31.50.

“(b) Married Person:

“If the amount of wages divided by the number of days in the payroll period is: **The amount of income tax to be withheld shall be:**

Not over \$2.70-----	0.
Over \$2.70 but not over \$5.50-----	14% of excess over \$2.70.
Over \$5.50 but not over \$13.70-----	\$0.39 plus 15% of excess over \$5.50.
Over \$13.70 but not over \$26.00-----	\$1.62 plus 16% of excess over \$13.70.
Over \$26.00 but not over \$41.10-----	\$3.59 plus 19% of excess over \$26.00.
Over \$41.10 but not over \$63.00-----	\$6.46 plus 22% of excess over \$41.10.
Over \$63.00-----	\$11.28 plus 27% of excess over \$63.00.”

(b) PERCENTAGE METHOD OF WITHHOLDING.—

(1) WAGES PAID BEFORE JULY 1, 1970.—Effective with respect to wages paid after December 31, 1969, and before July 1, 1970, the table contained in section 3402(b)(1) is amended to read as follows:

“Percentage Method Withholding Table

“Payroll period	Amount of one withholding exemption:
Weekly -----	\$11.50
Biweekly -----	23.00
Semimonthly -----	25.00
Monthly -----	50.00
Quarterly -----	150.00
Semiannual -----	300.00
Annual -----	600.00
Daily or miscellaneous (per day of such period) -----	1.60.”

(2) WAGES PAID IN 1970 AND 1971.—Effective with respect to wages paid after June 30, 1970, and before January 1, 1972, the table contained in section 3402(b)(1) is amended to read as follows:

“Percentage Method Withholding Table

“Payroll period	Amount of one withholding exemption:
Weekly -----	\$12.50
Biweekly -----	25.00
Semimonthly -----	27.10
Monthly -----	54.20
Quarterly -----	162.50
Semiannual -----	325.00
Annual -----	650.00
Daily or miscellaneous (per day of such period) -----	1.80.”

(3) WAGES PAID DURING 1972.—Effective with respect to wages paid during 1972, the table contained in section 3402(b)(1) is amended to read as follows:

“Percentage Method Withholding Table”

“Payroll period	Amount of one withholding exemption:
Weekly	\$13.50
Biweekly	26.90
Semimonthly	29.20
Monthly	58.30
Quarterly	175.00
Semiannual	350.00
Annual	700.00
Daily or miscellaneous (per day of such period)	1.90.”

(4) **WAGES PAID AFTER 1972.**—Effective with respect to wages paid after 1972, the table contained in section 3402(b)(1) is amended to read as follows:

Ante, p. 704.

“Percentage Method Withholding Table”

“Payroll period	Amount of one withholding exemption:
Weekly	\$14.40
Biweekly	28.80
Semimonthly	31.30
Monthly	62.50
Quarterly	187.50
Semiannual	375.00
Annual	750.00
Daily or miscellaneous (per day of such period)	2.10.”

(c) **WAGE BRACKET WITHHOLDING.**—Section 3402(c) (relating to wage bracket withholding) is amended—

78 Stat. 140.

(1) by striking out paragraph (1) and inserting in lieu thereof the following:

“(1) At the election of the employer with respect to any employee, the employer shall deduct and withhold upon the wages paid to such employee a tax (in lieu of the tax required to be deducted and withheld under subsection (a)) determined in accordance with tables prescribed by the Secretary or his delegate in accordance with paragraph (6).”, and

(2) by striking out paragraph (6) and inserting in lieu thereof the following:

“(6) In the case of wages paid after December 31, 1969, the amount deducted and withheld under paragraph (1) shall be determined in accordance with tables prescribed by the Secretary or his delegate. In the tables so prescribed, the amounts set forth as amounts of wages and amounts of income tax to be deducted and withheld shall be computed on the basis of table 7 contained in paragraph (1), (2), (3), (4), or (5) (whichever is applicable) of subsection (a).”

82 Stat. 259.

(d) **ALTERNATIVE METHODS OF COMPUTING AMOUNT TO BE WITHHELD.**—Section 3402(h) (relating to withholding on basis of average wages) is amended to read as follows:

Ante, p. 686.

68A Stat. 469.

“(h) **ALTERNATIVE METHODS OF COMPUTING AMOUNT TO BE WITHHELD.**—The Secretary or his delegate may, under regulations prescribed by him, authorize—

“(1) **WITHHOLDING ON BASIS OF AVERAGE WAGES.**—An employer—

“(A) to estimate the wages which will be paid to any employee in any quarter of the calendar year,

“(B) to determine the amount to be deducted and withheld upon each payment of wages to such employee during such quarter as if the appropriate average of the wages so estimated constituted the actual wages paid, and

“(C) to deduct and withhold upon any payment of wages to such employee during such quarter (and, in the case of tips referred to in subsection (k), within 30 days thereafter) such amount as may be necessary to adjust the amount actually deducted and withheld upon the wages of such employee during such quarter to the amount required to be deducted and withheld during such quarter without regard to this subsection.

“(2) **WITHHOLDING ON BASIS OF ANNUALIZED WAGES.**—An employer to determine the amount of tax to be deducted and withheld upon a payment of wages to an employee for a payroll period by—

“(A) multiplying the amount of an employee's wages for a payroll period by the number of such payroll periods in the calendar year,

“(B) determining the amount of tax which would be required to be deducted and withheld upon the amount determined under subparagraph (A) if such amount constituted the actual wages for the calendar year and the payroll period of the employee were an annual payroll period, and

“(C) dividing the amount of tax determined under subparagraph (B) by the number of payroll periods (described in subparagraph (A)) in the calendar year.

“(3) **WITHHOLDING ON BASIS OF CUMULATIVE WAGES.**—An employer, in the case of any employee who requests to have the amount of tax to be withheld from his wages computed on the basis of his cumulative wages, to—

“(A) add the amount of the wages to be paid to the employee for the payroll period to the total amount of wages paid by the employer to the employee during the calendar year,

“(B) divide the aggregate amount of wages computed under subparagraph (A) by the number of payroll periods to which such aggregate amount of wages relates,

“(C) compute the total amount of tax that would have been required to be deducted and withheld under subsection (a) if the average amount of wages (as computed under subparagraph (B)) had been paid to the employee for the number of payroll periods to which the aggregate amount of wages (computed under subparagraph (A)) relates,

“(D) determine the excess, if any, of the amount of tax computed under subparagraph (C) over the total amount of tax deducted and withheld by the employer from wages paid to the employee during the calendar year, and

“(E) deduct and withhold upon the payment of wages (referred to in subparagraph (A)) to the employee an amount equal to the excess (if any) computed under subparagraph (D).

“(4) **OTHER METHODS.**—An employer to determine the amount of tax to be deducted and withheld upon the wages paid to an employee by any other method which will require the employer to deduct and withhold upon such wages substantially the same amount as would be required to be deducted and withheld by applying subsection (a) or (c), either with respect to a payroll period or with respect to the entire taxable year.”

(e) **WITHHOLDING ALLOWANCES BASED ON ITEMIZED DEDUCTIONS.**—Section 3402(m) (relating to withholding allowances based on itemized deductions in the case of income tax collected at source) is amended:

(1) by redesignating paragraph (2)(C) as paragraph (2)(D), and

(2) by amending that portion of such section as precedes paragraph (2)(D) (as redesignated) to read as follows:

“(m) WITHHOLDING ALLOWANCES BASED ON ITEMIZED DEDUCTIONS.—

“(1) **GENERAL RULE.**—An employee shall be entitled to withholding allowances under this subsection with respect to a payment of wages in a number equal to the number determined by dividing by \$750 the excess of—

“(A) his estimated itemized deductions, over

“(B) an amount equal to 15 percent of his estimated wages.

For purposes of this subsection, a fractional number shall not be taken into account unless it amounts to one-half or more, in which case it shall be increased to 1.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) **ESTIMATED ITEMIZED DEDUCTIONS.**—The term ‘estimated itemized deductions’ means the aggregate amount which he reasonably expects will be allowable as deductions under chapter 1 (other than the deductions referred to in sections 141 and 151 and other than the deductions required to be taken into account in determining adjusted gross income under section 62) for the estimation year. In no case shall such aggregate amount be greater than the sum of (i) the amount of such deductions (or the amount of the standard deduction) reflected in his return of tax under subtitle A for the taxable year preceding the estimation year, and (ii) the amount of his determinable additional deductions for the estimation year.

“(B) **ESTIMATED WAGES.**—The term ‘estimated wages’ means the aggregate amount which he reasonably expects will constitute wages for the estimation year.

“(C) **DETERMINABLE ADDITIONAL DEDUCTIONS.**—The term ‘determinable additional deductions’ means those estimated itemized deductions which (i) are in excess of the deductions referred to in subparagraph (A) (or the standard deduction) reflected on his return of tax under subtitle A for the taxable year preceding the estimation year, and (ii) are demonstrably attributable to an identifiable event during the estimation year or the preceding taxable year which can reasonably be expected to cause an increase in the amount of such deductions on the return of tax under subtitle A for the estimation year.”

(f) EMPLOYEES INCURRING NO INCOME TAX LIABILITY.—

(1) **IN GENERAL.**—Section 3402 (relating to income tax collected at source) is amended by adding at the end thereof the following new subsection:

“(n) **EMPLOYEES INCURRING NO INCOME TAX LIABILITY.**—Notwithstanding any other provision of this section, an employer shall not be required to deduct and withhold any tax under this chapter upon a payment of wages to an employee if there is in effect with respect to such payment a withholding exemption certificate (in such form and containing such other information as the Secretary or his delegate may prescribe) furnished to the employer by the employee certifying that the employee—

“(1) incurred no liability for income tax imposed under subtitle A for his preceding taxable year, and

“(2) anticipates that he will incur no liability for income tax imposed under subtitle A for his current taxable year.

*Ante, pp. 675,
676, 678.
26 USC 141, 151.
26 USC 62.*

*Ante, p. 686.
26 USC 3402.*

The Secretary or his delegate shall by regulations provide for the coordination of the provisions of this subsection with the provisions of subsection (f)."

(2) CONFORMING AMENDMENT.—The first sentence of section 6051 (relating to receipts for employees) is amended by striking out "under section 3402 if" and inserting "under section 3402 (determined without regard to subsection (n)) if".

(g) EXTENSION OF WITHHOLDING TO PAYMENTS OTHER THAN WAGES.—Section 3402 (relating to income tax collected at source) is amended by adding after subsection (n) (added by subsection (f)) the following new subsections:

"(o) EXTENSION OF WITHHOLDING TO CERTAIN PAYMENTS OTHER THAN WAGES.—

"(1) GENERAL RULE.—For purposes of this chapter (and so much of subtitle F as relates to this chapter)—

"(A) any supplemental unemployment compensation benefit paid to an individual, and

"(B) any payment of an annuity to an individual, if at the time the payment is made a request that such annuity be subject to withholding under this chapter is in effect,
shall be treated as if it were a payment of wages by an employer to an employee for a payroll period.

"(2) DEFINITIONS.—

"(A) SUPPLEMENTAL UNEMPLOYMENT COMPENSATION BENEFITS.—For purposes of paragraph (1), the term 'supplemental unemployment compensation benefits' means amounts which are paid to an employee, pursuant to a plan to which the employer is a party, because of an employee's involuntary separation from employment (whether or not such separation is temporary), resulting directly from a reduction in force, the discontinuance of a plant or operation, or other similar conditions, but only to the extent such benefits are includable in the employee's gross income.

"(B) ANNUITY.—For purposes of this subsection, the term 'annuity' means any amount paid to an individual as a pension or annuity, but only to the extent that the amount is includable in the gross income of such individual.

"(3) REQUEST FOR WITHHOLDING.—A request that an annuity be subject to withholding under this chapter shall be made by the payee in writing to the person making the annuity payments, shall be accompanied by a withholding exemption certificate, executed in accordance with the provisions of subsection (f)(2), and shall take effect as provided in subsection (f)(3). Such a request may, notwithstanding the provisions of subsection (f)(4), be terminated by furnishing to the person making the payments a written statement of termination which shall be treated as a withholding exemption certificate for purposes of subsection (f)(3)(B).

"(p) VOLUNTARY WITHHOLDING AGREEMENTS.—The Secretary or his delegate is authorized by regulations to provide for withholding—

"(1) from remuneration for services performed by an employee for his employer which (without regard to this subsection) does not constitute wages, and

"(2) from any other type of payment with respect to which the Secretary or his delegate finds that withholding would be appropriate under the provisions of this chapter,

if the employer and the employee, or in the case of any other type of payment the person making and the person receiving the payment, agree to such withholding. Such agreement shall be made in such form and manner as the Secretary or his delegate may by regulations pro-

vide. For purposes of this chapter (and so much of subtitle F as relates to this chapter) remuneration or other payments with respect to which such agreement is made shall be treated as if they were wages paid by an employer to an employee to the extent that such remuneration is paid or other payments are made during the period for which the agreement is in effect.”

(h) EFFECTIVE DATES.—

(1) The amendments made by subsections (a), (b), (c), (d), and (e) shall apply with respect to remuneration paid after December 31, 1969.

(2) The amendment made by subsection (f) applies to wages paid after April 30, 1970.

(3) Subsection (o) of section 3402 of the Internal Revenue Code of 1954, added by subsection (g) of this subsection, shall apply to payments made after December 31, 1970. Subsection (p) of such section 3402, added by subsection (g) of this section, shall apply to payments made after June 30, 1970.

TITLE IX—MISCELLANEOUS PROVISIONS

Subtitle A—Miscellaneous Income Tax Provisions

SEC. 901. EXCLUSION OF ADDITIONAL LIVING EXPENSES.

(a) EXCLUSION OF ADDITIONAL LIVING EXPENSES.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by renumbering section 123 as 124, and by inserting after section 122 the following new section:

“SEC. 123. AMOUNTS RECEIVED UNDER INSURANCE CONTRACTS FOR CERTAIN LIVING EXPENSES.

“(a) GENERAL RULE.—In the case of an individual whose principal residence is damaged or destroyed by fire, storm, or other casualty, or who is denied access to his principal residence by governmental authorities because of the occurrence or threat of occurrence of such a casualty, gross income does not include amounts received by such individual under an insurance contract which are paid to compensate or reimburse such individual for living expenses incurred for himself and members of his household resulting from the loss of use or occupancy of such residence.

“(b) LIMITATION.—Subsection (a) shall apply to amounts received by the taxpayer for living expenses incurred during any period only to the extent the amounts received do not exceed the amount by which—

“(1) the actual living expenses incurred during such period for himself and members of his household resulting from the loss of use or occupancy of their residence, exceed

“(2) the normal living expenses which would have been incurred for himself and members of his household during such period.”

(b) CONFORMING AMENDMENT.—The table of sections for such part III is amended by striking out the last item and inserting in lieu thereof the following:

“Sec. 123. Amounts received under insurance contracts for certain living expenses.

“Sec. 124. Cross references to other Acts.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to amounts received on or after January 1, 1969.

68A Stat. 39;
80 Stat. 32.
26 USC 101-
123.

SEC. 902. DEDUCTIBILITY OF TREBLE DAMAGE PAYMENTS, FINES AND PENALTIES, ETC.

68A Stat. 45;
76 Stat. 973.
26 USC 162.

(a) **FINES AND PENALTIES; TREBLE DAMAGE PAYMENTS.**—Section 162.(relating to deduction of trade or business expenses) is amended by redesignating subsection (f) as subsection (h), and by inserting after subsection (e) the following new subsections:

“(f) **FINES AND PENALTIES.**—No deduction shall be allowed under subsection (a) for any fine or similar penalty paid to a government for the violation of any law.

“(g) **TREBLE DAMAGE PAYMENTS UNDER THE ANTITRUST LAWS.**—If in a criminal proceeding a taxpayer is convicted of a violation of the antitrust laws, or his plea of guilty or nolo contendere to an indictment or information charging such a violation is entered or accepted in such a proceeding, no deduction shall be allowed under subsection (a) for two-thirds of any amount paid or incurred—

“(1) on any judgment for damages entered against the taxpayer under section 4 of the Act entitled ‘An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes’, approved October 15, 1914 (commonly known as the Clayton Act), on account of such violation or any related violation of the antitrust laws which occurred prior to the date of the final judgment of such conviction, or

“(2) in settlement of any action brought under such section 4 on account of such violation or related violation.

The preceding sentence shall not apply with respect to any conviction or plea before January 1, 1970, or to any conviction or plea on or after such date in a new trial following an appeal of a conviction before such date.”

(b) **Bribes and Illegal Kickbacks.**—Section 162(c) (relating to improper payments to certain government officials or employees) is amended to read as follows:

“(c) **Bribes and Illegal Kickbacks.**—

“(1) **ILLEGAL PAYMENTS TO GOVERNMENT OFFICIALS OR EMPLOYEES.**—No deduction shall be allowed under subsection (a) for any payment made, directly or indirectly, to an official or employee of any government, or of any agency or instrumentality of any government, if the payment constitutes an illegal bribe or kickback or, if the payment is to an official or employee of a foreign government, the payment would be unlawful under the laws of the United States if such laws were applicable to such payment and to such official or employee. The burden of proof in respect of the issue, for the purposes of this paragraph, as to whether a payment constitutes an illegal bribe or kickback (or would be unlawful under the laws of the United States) shall be upon the Secretary or his delegate to the same extent as he bears the burden of proof under section 7454 (concerning the burden of proof when the issue relates to fraud).

“(2) **OTHER BRIBES OR KICKBACKS.**—If in a criminal proceeding a taxpayer is convicted of making a payment (other than a payment described in paragraph (1)) which is an illegal bribe or kickback, or his plea of guilty or nolo contendere to an indictment or information charging the making of such a payment is entered or accepted in such a proceeding, no deduction shall be allowed under subsection (a) on account of such payment or any related payment made prior to the date of the final judgment in such proceeding.

“(3) **STATUTE OF LIMITATIONS.**—If a taxpayer claimed a deduction for a payment described in paragraph (2) which is disallowed

38 Stat. 731.
15 USC 15.

Ante, p. 532.

because of a final judgment entered after the close of the taxable year for which the deduction was claimed, and if the proceeding was based on an indictment returned or an information filed prior to the expiration of the period for the assessment of any deficiency for such taxable year, the period for the assessment of any deficiency attributable to the deduction of such payment shall not expire prior to the expiration of one year from the date of such final judgment, and such deficiency may be assessed prior to the expiration of such one-year period notwithstanding the provision of any other law or rule of law which would otherwise prevent such assessment."

(c) EFFECTIVE DATES.—Section 162(f) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall apply to all taxable years to which such Code applies. Section 162(g) of such Code (as added by subsection (a)) shall apply with respect to amounts paid or incurred after December 31, 1969. Section 162(c)(1) of such Code (as amended by subsection (b)) shall apply to all taxable years to which such Code applies. Sections 162(c)(2) and (3) of such Code (as amended by subsection (b)) shall apply with respect to payments made after the date of the enactment of this Act.

SEC. 903. ACCRUED VACATION PAY.

Section 97 of the Technical Amendments Act of 1958 is amended by striking out "January 1, 1969" and inserting in lieu thereof "January 1, 1971".

72 Stat. 1672;
80 Stat. 1025.
26 USC 162
note.

SEC. 904. DEDUCTION OF RECOVERIES OF ANTITRUST DAMAGES, ETC.

(a) DEDUCTION ALLOWED.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding after section 185 (as added by section 705 of this Act) the following new section:

Ante, p. 672.

“SEC. 186. RECOVERIES OF DAMAGES FOR ANTITRUST VIOLATIONS, ETC.

“(a) ALLOWANCE OF DEDUCTION.—If a compensatory amount which is included in gross income is received or accrued during the taxable year for a compensable injury, there shall be allowed as a deduction for the taxable year an amount equal to the lesser of—

- “(1) the amount of such compensatory amount, or
- “(2) the amount of the unrecovered losses sustained as a result of such compensable injury.

“(b) COMPENSABLE INJURY.—For purposes of this section, the term ‘compensable injury’ means—

- “(1) injuries sustained as a result of an infringement of a patent issued by the United States,

- “(2) injuries sustained as a result of a breach of contract or a breach of fiduciary duty or relationship, or

- “(3) injuries sustained in business, or to property, by reason of any conduct forbidden in the antitrust laws for which a civil action may be brought under section 4 of the Act entitled ‘An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes’, approved October 15, 1914 (commonly known as the Clayton Act).

“(c) COMPENSATORY AMOUNT.—For purposes of this section, the term ‘compensatory amount’ means the amount received or accrued during the taxable year as damages as a result of an award in, or in settlement of, a civil action for recovery for a compensable injury, reduced by any amounts paid or incurred in the taxable year in securing such award or settlement.

38 Stat. 731.
~~15 USC 15~~

“(d) UNRECOVERED LOSSES.—

“(1) IN GENERAL.—For purposes of this section, the amount of any unrecovered loss sustained as a result of any compensable injury is—

“(A) the sum of the amount of the net operating losses (as determined under section 172) for each taxable year in whole or in part within the injury period, to the extent that such net operating losses are attributable to such compensable injury, reduced by

“(B) the sum of—

“(i) the amount of the net operating losses described in subparagraph (A) which were allowed for any prior taxable year as a deduction under section 172 as a net operating loss carryback or carryover to such taxable year, and

“(ii) the amounts allowed as a deduction under subsection (a) for any prior taxable year for prior recoveries of compensatory amounts for such compensable injury.

“(2) INJURY PERIOD.—For purposes of paragraph (1), the injury period is—

“(A) with respect to any infringement of a patent, the period in which such infringement occurred,

“(B) with respect to a breach of contract or breach of fiduciary duty or relationship, the period during which amounts would have been received or accrued but for the breach of contract or breach of fiduciary duty or relationship, and

“(C) with respect to injuries sustained by reason of any conduct forbidden in the antitrust laws, the period in which such injuries were sustained.

“(3) NET OPERATING LOSSES ATTRIBUTABLE TO COMPENSABLE INJURIES.—For purposes of paragraph (1)—

“(A) a net operating loss for any taxable year shall be treated as attributable to a compensable injury to the extent of the compensable injury sustained during such taxable year, and

“(B) if only a portion of a net operating loss for any taxable year is attributable to a compensable injury, such portion shall (in applying section 172 for purposes of this section) be considered to be a separate net operating loss for such year to be applied after the other portion of such net operating loss.

“(e) EFFECT ON NET OPERATING LOSS CARRYOVERS.—If for the taxable year in which a compensatory amount is received or accrued any portion of a net operating loss carryover to such year is attributable to the compensable injury for which such amount is received or accrued, such portion of such net operating loss carryover shall be reduced by an amount equal to—

“(1) the deduction allowed under subsection (a) with respect to such compensatory amount, reduced by

“(2) any portion of the unrecovered losses sustained as a result of the compensable injury with respect to which the period for carryover under section 172 has expired.”

(b) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end thereof the following new item:

“Sec. 186. Recoveries of damages for antitrust violations, etc.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1968.

SEC. 905. CORPORATIONS USING APPRECIATED PROPERTY TO REDEEM THEIR OWN STOCK.

(a) **GENERAL RULE.**—Section 311 (relating to taxability of corporation on distribution) is amended by adding at the end thereof the following new subsection:

“(d) **APPRECIATED PROPERTY USED TO REDEEM STOCK.**—

“(1) **IN GENERAL.**—If—

“(A) a corporation distributes property (other than an obligation of such corporation) to a shareholder in a redemption (to which subpart A applies) of part or all of his stock in such corporation, and

“(B) the fair market value of such property exceeds its adjusted basis (in the hands of the distributing corporation), then again shall be recognized to the distributing corporation in an amount equal to such excess as if the property distributed had been sold at the time of the distribution. Subsections (b) and (c) shall not apply to any distribution to which this subsection applies.

“(2) **EXCEPTIONS AND LIMITATIONS.**—Paragraph (1) shall not apply to—

“(A) a distribution in complete redemption of all of the stock of a shareholder who, at all times within the 12-month period ending on the date of such distribution, owns at least 10 percent in value of the outstanding stock of the distributing corporation, but only if the redemption qualifies under section 302(b)(3) (determined without the application of section 302(c)(2)(A)(ii));

“(B) a distribution of stock or an obligation of a corporation—

“(i) which is engaged in at least one trade or business,

“(ii) which has not received property constituting a substantial part of its assets from the distributing corporation, in a transaction to which section 351 applied or as a contribution to capital, within the 5-year period ending on the date of the distribution, and

“(iii) at least 50 percent in value of the outstanding stock of which is owned by the distributing corporation at any time within the 9-year period ending one year before the date of the distribution;

“(C) a distribution before December 1, 1974, of stock of a corporation substantially all of the assets of which the distributing corporation (or a corporation which is a member of the same affiliated group (as defined in section 1504(a)) as the distributing corporation) held on November 30, 1969, if such assets constitute a trade or business which has been actively conducted throughout the one-year period ending on the date of the distribution;

“(D) a distribution of stock or securities pursuant to the terms of a final judgment rendered by a court with respect to the distributing corporation in a court proceeding under the Sherman Act (26 Stat. 209; 15 U.S.C. 1-7) or the Clayton Act (38 Stat. 730; 15 U.S.C. 12-27), or both, to which the United States is a party, but only if the distribution of such stock or securities in redemption of the distributing corporation's stock is in furtherance of the purposes of the judgment;

“(E) a distribution to the extent that section 303(a) (relating to distributions in redemption of stock to pay death taxes) applies to such distribution;

68A Stat. 94.
26 USC 311.

26 USC 302.

68A Stat. 369.
26 USC 1504.

Post, p. 715.

68A Stat. 268.
26 USC 851-855.

“(F) a distribution to a private foundation in redemption of stock which is described in section 537(b)(2)(A) and (B); and

“(G) a distribution by a corporation to which part I of subchapter M (relating to regulated investment companies) applies, if such distribution is in redemption of its stock upon the demand of the shareholder.”

(b) CONFORMING AMENDMENTS.—

(1) Section 311(a) is amended by striking out “subsections (b) and (c)” and inserting in lieu thereof “subsections (b), (c), and (d)”.

(2) Sections 301(b)(1)(B)(ii), 301(d)(2)(B), and 312(c)(3) are each amended by striking out “subsection (b) or (c)” and inserting in lieu thereof “subsection (b), (c), or (d)”.

(c) EFFECTIVE DATE.—

(1) Except as provided in paragraphs (2) and (3), the amendments made by subsections (a) and (b) shall apply with respect to distributions after November 30, 1969.

(2) The amendments made by subsections (a) and (b) shall not apply to a distribution before April 1, 1970, pursuant to the terms of—

(A) a written contract which was binding on the distributing corporation on November 30, 1969, and at all times thereafter before the distribution,

(B) an offer made by the distributing corporation before December 1, 1969,

(C) an offer made in accordance with a request for a ruling filed by the distributing corporation with the Internal Revenue Service before December 1, 1969, or

(D) an offer made in accordance with a registration statement filed with the Securities and Exchange Commission before December 1, 1969.

For purposes of subparagraphs (B), (C), and (D), an offer shall be treated as an offer only if it was in writing and not revocable by its express terms.

(3) The amendments made by subsections (a) and (b) shall not apply to a distribution by a corporation of specific property in redemption of stock outstanding on November 30, 1969, if—

(A) every holder of such stock on such date had the right to demand redemption of his stock in such specific property, and

(B) the corporation had such specific property on hand on such date in a quantity sufficient to redeem all of such stock.

For purposes of the preceding sentence, stock shall be considered to have been outstanding on November 30, 1969, if it could have been acquired on such date through the exercise of an existing right of conversion contained in other stock held on such date.

SEC. 906. REASONABLE ACCUMULATIONS BY CORPORATIONS.

(a) GENERAL RULE.—Section 537 (relating to reasonable needs of the business) is amended to read as follows:

“SEC. 537. REASONABLE NEEDS OF THE BUSINESS.

“(a) GENERAL RULE.—For purposes of this part, the term ‘reasonable needs of the business’ includes—

“(1) the reasonably anticipated needs of the business,

“(2) the section 303 redemption needs of the business, and

“(3) the excess business holdings redemption needs of the business.

68A Stat. 182.

26 USC 303.

“(b) SPECIAL RULES.—For purposes of subsection (a)—

“(1) SECTION 303 REDEMPTION NEEDS.—The term ‘section 303 redemption needs’ means, with respect to the taxable year of the corporation in which a shareholder of the corporation died or any taxable year thereafter, the amount needed (or reasonably anticipated to be needed) to make a redemption of stock included in the gross estate of the decedent (but not in excess of the maximum amount of stock to which section 303(a) may apply).

68A Stat. 88.
26 USC 303.

“(2) EXCESS BUSINESS HOLDINGS REDEMPTION NEEDS.—The term ‘excess business holdings redemption needs’ means, with respect to taxable years of the corporation ending after May 26, 1969, the amount needed (or reasonably anticipated to be needed) to redeem from a private foundation stock which—

“(A) such foundation held on May 26, 1969 (or which was received by such foundation pursuant to a will or irrevocable trust to which section 4943(c)(5) applies), and

Ante, p. 507.

“(B) constituted excess business holdings on May 26, 1969, or would have constituted excess business holdings as of such date if there were taken into account (i) stock received pursuant to a will or trust described in subparagraph (A), and (ii) the reduction in the total outstanding stock of the corporation which would have resulted solely from the redemption of stock held by the private foundation.

“(3) OBLIGATIONS INCURRED TO MAKE REDEMPTIONS.—In applying paragraphs (1) and (2), the discharge of any obligation incurred to make a redemption described in such paragraphs shall be treated as the making of such redemption.

“(4) NO INFERENCE AS TO PRIOR TAXABLE YEARS.—The application of this part to any taxable year before the first taxable year specified in paragraph (1) or (2) shall be made without regard to the fact that distributions in redemption coming within the terms of such paragraphs were subsequently made.”

(b) **EFFECTIVE DATE.—**The amendment made by subsection (a) shall apply to the tax imposed under section 531 of the Internal Revenue Code of 1954 with respect to taxable years ending after May 26, 1969.

SEC. 907. INSURANCE COMPANIES.**(a) SPECIAL CONTINGENCY RESERVES UNDER GROUP CONTRACTS.—**

(1) **INTEREST PAID.—**Section 805(e)(4) (relating to interest paid on certain reserves) is amended to read as follows:

73 Stat. 118.

“(4) INTEREST ON CERTAIN SPECIAL CONTINGENCY RESERVES.—Interest for the taxable year on special contingency reserves under contracts of group term life insurance or group health and accident insurance which are established and maintained for the provision of insurance on retired lives, for premium stabilization, or for a combination thereof.”

(2) RULES FOR CERTAIN CONTINGENCY RESERVES.—Section 810(c) (relating to items taken into account as reserves) is amended by inserting after paragraph (5) the following new paragraph:

73 Stat. 125.

“(6) Special contingency reserves under contracts of group term life insurance or group health and accident insurance which are established and maintained for the provision of insurance on retired lives, for premium stabilization, or for a combination thereof.”

(b) CERTAIN DISTRIBUTIONS.—

(1) **EXCEPTION FROM DEFINITION OF DISTRIBUTION.—**Section 815(f) (relating to definition of distribution) is amended—

78 Stat. 859;
81 Stat. 734.

(A) by striking out “or” at the end of paragraph (3);

(B) by striking out the period at the end of paragraph

(4) and inserting in lieu thereof “; or”;

26 USC 355.

(C) by inserting after paragraph (4) the following new paragraph:

“(5) any distribution after December 31, 1968, of the stock of a controlled corporation to which section 355 applies, if such distribution is made to a corporation which immediately after the distribution is the owner of all the stock of all classes of both the distributing corporation and such controlled corporation and if, immediately before the distribution, the distributing corporation had been the owner of all of the stock of all classes of such controlled corporation at all times since December 31, 1957.”;

(D) by striking out “Neither paragraph (3) nor paragraph (4) shall apply” in the next to the last sentence and inserting in lieu thereof “Paragraphs (3), (4), and (5) shall not apply”; and

(E) by striking out “paragraphs (3) and (4)” in the last sentence and inserting in lieu thereof “paragraphs (3), (4), and (5)”.

Ante, p. 715.

(2) SPECIAL RULE.—Section 815 (relating to distributions to shareholders) is amended by adding at the end thereof the following new subsection:

“(g) CERTAIN DISTRIBUTIONS RELATED TO FORMER SUBSIDIARIES.—If subsection (f)(5) applied to the distribution by a life insurance company of the stock of a corporation which was a controlled corporation—

“(1) any distribution by such corporation to its shareholders (after the date of the distribution of its stock by the life insurance company), and

“(2) any disposition of the stock of such corporation by the distributee corporation, shall, for purposes of this section, be treated as a distribution to its shareholders by such life insurance company, until the amounts so treated equal the amount of the distribution of such stock which by reason of subsection (f)(5) was not included as a distribution for purposes of this section.”

(c) CARRYOVER OF LOSSES.—

(1) IN GENERAL.—Part IV of subchapter L of chapter 1 (relating to provisions of general application to insurance companies) is amended by adding at the end thereof the following new section:

“SEC. 844. SPECIAL LOSS CARRYOVER RULES.

“(a) GENERAL RULE.—If an insurance company—

“(1) is subject to the tax imposed by part I, II, or III of this subchapter for the taxable year, and

“(2) was subject to the tax imposed by a different part of this subchapter for a prior taxable year beginning after December 31, 1962,

then any operations loss carryover under section 812, unused loss carryover under section 825, or net operating loss carryover under section 172, as the case may be, arising in such prior taxable year shall be included in its operations loss deduction under section 812(a), unused loss deduction under section 825(a), or net operating loss deduction under section 832(c)(10), as the case may be.

“(b) LIMITATION.—The amount included under section 812(a), 825(a), or 832(c)(10), as the case may be, by reason of the application of subsection (a) shall not exceed the amount that would have constituted the loss carryover under such section if for all relevant taxable years such company had been subject to the tax imposed by the part referred to in subsection (a)(1) rather than the part referred

68A Stat. 267;
70 Stat. 48.
26 USC 841-843.73 Stat. 127.
76 Stat. 995.
Ante, p. 619.

68A Stat. 264.

to in subsection (a)(2). For purposes of applying the preceding sentence—

“(1) in the case of a mutual insurance company which becomes a stock insurance company, an amount equal to 25 percent of the deduction under section 832(c)(11) (relating to dividends to policyholders) shall not be allowed, and

“(2) section 812(b)(1)(A)(iii) (relating to additional years to which losses may be carried by new life insurance companies) shall not apply.

“(c) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.”

(2) CLERICAL AND CONFORMING AMENDMENTS.—

(A) The table of sections for part IV of subchapter L of chapter 1 is amended by adding at the end thereof the following new item:

“Sec. 844. Special loss carryover rules.”

(B) Sections 809(e)(5) and 823(b)(1) are each amended by striking out “The” and inserting in lieu thereof “Except as provided by section 844, the”.

(C) Section 825(g)(2) is amended by striking out “to or from” and inserting in lieu thereof “except as provided by section 844, to or from”.

(D) Section 825(g)(3) is amended by striking out “to any” and inserting in lieu thereof “except as provided by section 844, to any”.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1957. The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 1968. The amendments made by subsection (c) shall apply with respect to losses incurred in taxable years beginning after December 31, 1962, but shall not affect any tax liability for any taxable year beginning before January 1, 1967.

SEC. 908. CERTAIN UNIT INVESTMENT TRUSTS.

(a) NOT TO BE TREATED AS SEPARATE TAXPAYER.—Section 851 (relating to definition of regulated investment company) is amended by adding at the end thereof the following new subsection:

“(f) CERTAIN UNIT INVESTMENT TRUSTS.—For purposes of this title—

“(1) A unit investment trust (as defined in the Investment Company Act of 1940)—

“(A) which is registered under such Act and issues periodic payment plan certificates (as defined in such Act) in one or more series,

“(B) substantially all of the assets of which, as to all such series, consist of (i) securities issued by a single management company (as defined in such Act) and securities acquired pursuant to subparagraph (C), or (ii) securities issued by a single other corporation, and

“(C) which has no power to invest in any other securities except securities issued by a single other management company, when permitted by such Act or the rules and regulations of the Securities and Exchange Commission,

shall not be treated as a person.

“(2) In the case of a unit investment trust described in paragraph (1)—

“(A) each holder of an interest in such trust shall, to the extent of such interest, be treated as owning a proportionate share of the assets of such trust;

76 Stat. 997.
26 USC 832.

73 Stat. 127.

68A Stat. 268.

54 Stat. 789.
15 USC 80a-51.

“(B) the basis of the assets of such trust which are treated under subparagraph (A) as being owned by a holder of an interest in such trust shall be the same as the basis of his interest in such trust; and

“(C) in determining the period for which the holder of an interest in such trust has held the assets of the trust which are treated under subparagraph (A) as being owned by him, there shall be included the period for which such holder has held his interest in such trust.

This subsection shall not apply in the case of a unit investment trust which is a segregated asset account under the insurance laws or regulations of a State.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years of unit investment trusts ending after December 31, 1968, and to taxable years of holders of interests in such trusts ending with or within such taxable years of such trusts. The enactment of this section shall not be construed to result in the realization of gain or loss by any unit investment trust or by any holder of an interest in a unit investment trust.

SEC. 909. FOREIGN CORPORATIONS NOT AVAILED OF TO REDUCE TAXES.

(a) EXCLUSION FROM FOREIGN BASE COMPANY INCOME.—Section 954(b)(4) (relating to exception for foreign corporations not availed of to reduce taxes) is amended to read as follows:

“(4) EXCEPTION FOR FOREIGN CORPORATIONS NOT AVAILED OF TO REDUCE TAXES.—For purposes of subsection (a), foreign base company income does not include any item of income received by a controlled foreign corporation if it is established to the satisfaction of the Secretary or his delegate that neither—

“(A) the creation or organization of such controlled foreign corporation under the laws of the foreign country in which it is incorporated (or, in the case of a controlled foreign corporation which is an acquired corporation, the acquisition of such corporation created or organized under the laws of the foreign country in which it is incorporated), nor

“(B) the effecting of the transaction giving rise to such income through the controlled foreign corporation, has as one of its significant purposes a substantial reduction of income, war profits, or excess profits or similar taxes.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years ending after October 9, 1969.

SEC. 910. SALES OF CERTAIN LOW-INCOME HOUSING PROJECTS.

(a) NONRECOGNITION OF GAIN IN CASE OF APPROVED DISPOSITIONS.—Part III of subchapter O of chapter 1 (relating to common nontaxable exchanges) is amended by adding at the end thereof the following new section:

“SEC. 1039. CERTAIN SALES OF LOW-INCOME HOUSING PROJECTS.

“(a) NONRECOGNITION OF GAIN.—If—

“(1) a qualified housing project is sold or disposed of by the taxpayer in an approved disposition, and

“(2) within the reinvestment period the taxpayer constructs, reconstructs, or acquires another qualified housing project, then, at the election of the taxpayer, gain from such approved disposition shall be recognized only to the extent that the net amount realized on such approved disposition exceeds the cost of such other qualified housing project. An election under this subsection shall be made at such time and in such manner as the Secretary or his delegate prescribes by regulations.

“(b) DEFINITIONS.—For purposes of this section—

“(1) QUALIFIED HOUSING PROJECT.—The term ‘qualified housing project’ means a project to provide rental or cooperative housing for lower income families—

“(A) with respect to which a mortgage is insured under section 221(d)(3) or 236 of the National Housing Act, and

“(B) with respect to which the owner is, under such sections or regulations issued thereunder—

“(i) limited as to the rate of return on his investment in the project, and

“(ii) limited as to rentals or occupancy charges for units in the project.

“(2) APPROVED DISPOSITION.—The term ‘approved disposition’ means a sale or other disposition of a qualified housing project to the tenants or occupants of units in such project, or to a cooperative or other nonprofit organization formed solely for the benefit of such tenants or occupants, which sale or disposition is approved by the Secretary of Housing and Urban Development under section 221(d)(3) or 236 of the National Housing Act or regulations issued under such sections.

“(3) REINVESTMENT PERIOD.—The reinvestment period, with respect to an approved disposition of a qualified housing project, is the period beginning one year before the date of such approved disposition and ending—

“(A) one year after the close of the first taxable year in which any part of the gain from such approved disposition is realized, or

“(B) subject to such terms and conditions as may be specified by the Secretary or his delegate, at the close of such later date as the Secretary or his delegate may designate on application by the taxpayer. Such application shall be made at such time and in such manner as the Secretary or his delegate prescribes by regulations.

“(4) NET AMOUNT REALIZED.—The net amount realized on an approved disposition of a qualified housing project is the amount realized reduced by—

“(A) the expenses paid or incurred which are directly connected with such approved disposition, and

“(B) the amount of taxes (other than income taxes) paid or incurred which are attributable to such approved disposition.

“(c) SPECIAL RULES.—For purposes of applying subsection (a)(2) with respect to an approved disposition—

“(1) no property acquired by the taxpayer before the date of the approved disposition shall be taken into account unless such property is held by the taxpayer on such date, and

“(2) no property acquired by the taxpayer shall be taken into account unless, except as provided in subsection (d), the unadjusted basis of such property is its cost within the meaning of section 1012.

“(d) BASIS OF OTHER QUALIFIED HOUSING PROJECT.—If the taxpayer makes an election under subsection (a) with respect to an approved disposition, the basis of the qualified housing project described in subsection (a)(2) shall be its cost reduced by an amount equal to the amount of gain not recognized by reason of the application of subsection (a).

75 Stat. 150;
82 Stat. 498.
12 USC 1715*l*,
1715*z-1*.

68A Stat. 296.
26 USC 1012.

(e) ASSESSMENT OF DEFICIENCIES.—

“(1) DEFICIENCY ATTRIBUTABLE TO GAIN.—If the taxpayer has made an election under subsection (a) with respect to an approved disposition—

“(A) the statutory period for the assessment of any deficiency, for any taxable year in which any part of the gain on such approved disposition is realized, attributable to the gain on such approved disposition shall not expire prior to the expiration of 3 years from the date the Secretary or his delegate is notified by the taxpayer (in such manner as the Secretary or his delegate may by regulations prescribe) of the construction, reconstruction, or acquisition of another qualified housing project or of the failure to construct, reconstruct, or acquire another qualified housing project, and

“(B) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of section 6212(c) or the provision of any other law or rule of law which would otherwise prevent such assessment.

“(2) TIME FOR ASSESSMENT OF OTHER DEFICIENCIES ATTRIBUTABLE TO ELECTION.—If a taxpayer has made an election under subsection (a) with respect to an approved disposition and another qualified housing project is constructed, reconstructed, or acquired before the beginning of the last taxable year in which any part of the gain upon such approved disposition is realized, any deficiency, to the extent resulting from such election, for any taxable year ending before such last taxable year may be assessed (notwithstanding the provisions of section 6212(c) or 6501 or the provisions of any other law or rule of law which would otherwise prevent such assessment) at any time before the expiration of the period within which a deficiency for such last taxable year may be assessed.”

(b) AMENDMENTS TO SECTION 1250.—

(1) Section 1250(d) (relating to exceptions and limitations) is amended by adding at the end thereof the following new paragraph:

“(8) DISPOSITION OF QUALIFIED LOW-INCOME HOUSING.—If section 1250 property is disposed of and gain (determined without regard to this section) is not recognized in whole or in part under section 1039, then—

“(A) RECOGNITION LIMIT.—The amount of gain recognized by the transferor under subsection (a) shall not exceed the greater of—

“(i) the amount of gain recognized on the disposition (determined without regard to this section), or

“(ii) the amount determined under subparagraph (B).

“(B) ADJUSTMENT WHERE INSUFFICIENT SECTION 1250 PROPERTY IS ACQUIRED.—With respect to any transaction, the amount determined under this subparagraph shall be the excess of—

“(i) the amount of gain which would (but for this paragraph) be taken into account under subsection (a), over

“(ii) the cost of the section 1250 property acquired in the transaction.

“(C) BASIS OF PROPERTY ACQUIRED.—The basis of property acquired by the taxpayer, determined under section 1039(d), shall be allocated—

68A Stat. 770.
26 USC 6212.

Ante, p. 525.

Ante, p. 652.

Ante, p. 718.

“(i) first to the section 1250 property described in subparagraph (E)(i), in the amount determined under such subparagraph, reduced by the amount of gain not recognized attributable to the section 1250 property disposed of,

“(ii) then to any property (other than section 1250 property) to which section 1039 applies, in the amount of its cost, reduced by the amount of gain not recognized except to the extent taken into account under clause (i), and

“(iii) then to the section 1250 property described in subparagraph (E)(ii), in the amount determined thereunder, reduced by the amount of gain not recognized except to the extent taken into account under clauses (i) and (ii).

“(D) ADDITIONAL DEPRECIATION WITH RESPECT TO PROPERTY DISPOSED OF.—The additional depreciation with respect to any property acquired shall include the additional depreciation with respect to the corresponding section 1250 property disposed of, reduced by the amount of gain recognized attributable to such property.

“(E) PROPERTY CONSISTING OF MORE THAN ONE ELEMENT.—There shall be treated as a separate element of section 1250 property—

“(i) that portion of the section 1250 property acquired the cost of which does not exceed the net amount realized (as defined in section 1039(b)) attributable to the section 1250 property disposed of, reduced by the amount of gain recognized (if any) attributable to such property, and

“(ii) that portion of the section 1250 property acquired the cost of which exceeds the net amount realized (as defined in section 1039(b)) attributable to the section 1250 property disposed of.

“(F) ALLOCATION RULES.—For purposes of this paragraph—

“(i) the amount of gain recognized attributable to the section 1250 property disposed of shall be the net amount realized with respect to such property, reduced by the greater of the adjusted basis of the section 1250 property disposed of or the cost of the section 1250 property acquired, but shall not exceed the gain recognized in the transaction, and

“(ii) if any section 1250 property is treated as consisting of more than one element by reason of the application of subparagraph (E) to a prior transaction, then the amount of gain recognized, the net amount realized, and the additional depreciation, with respect to each such element shall be allocated in accordance with regulations prescribed by the Secretary or his delegate.”

(2) Section 1250(e) (relating to holding period) is amended by adding at the end thereof the following new paragraph:

“(4) QUALIFIED LOW-INCOME HOUSING.—The holding period of any section 1250 property acquired which is described in subsection (d)(8)(E)(i) shall include the holding period of the corresponding element of section 1250 property disposed of.”

Ante, p. 652.

(3) Section 1250 (relating to gain from dispositions of certain depreciable realty) is amended by redesignating subsections (g) and (h) as subsections (h) and (i) and by inserting after subsection (f) the following new subsection:

“(g) SPECIAL RULES FOR QUALIFIED LOW-INCOME HOUSING.—

“(1) AMOUNT TREATED AS ORDINARY INCOME.—If, in the case of a disposition of section 1250 property, the property is treated as consisting of more than one element by reason of the application of subsection (d)(8)(E), and gain is recognized in whole or in part, then the amount taken into account under subsection (a) as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231 shall be the sum of the amounts determined under paragraph (2).

“(2) ORDINARY INCOME ATTRIBUTABLE TO AN ELEMENT.—For purposes of paragraph (1), the amount taken into account for any element shall be the amount determined by multiplying—

“(A) the amount which bears the same ratio to the lower of the additional depreciation or the gain recognized for the section 1250 property disposed of as the additional depreciation for such element bears to the sum of the additional depreciation for all elements disposed of, by

“(B) the applicable percentage for such element.

For purposes of this paragraph, determinations with respect to any element shall be made as if it were a separate property.”

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter O of chapter 1 is amended by adding at the end thereof the following new item:

“Sec. 1039. Certain sales of low-income housing projects.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to approved dispositions of qualified housing projects (within the meaning of section 1039 of the Internal Revenue Code of 1954, as added by subsection (a)) after October 9, 1969.

SEC. 911. PER-UNIT RETAIN ALLOCATIONS.

(a) PAYMENTS OF MONEY AND OTHER PROPERTY.—Section 1382(b)(3) (relating to patronage dividends and per-unit retain allocations) is amended to read as follows:

“(3) as per-unit retain allocations (as defined in section 1388(f)), to the extent paid in money, qualified per-unit retain certificates (as defined in section 1388(h)), or other property (except nonqualified per-unit retain certificates, as defined in section 1388(i)) with respect to marketing occurring during such taxable year; or”.

(b) CONFORMING AMENDMENT.—Section 1388(f) (relating to per-unit retain allocations) is amended by striking out “other than by payment in money or other property (except per-unit retain certificates)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to per-unit retain allocations made after October 9, 1969.

SEC. 912. FOSTER CHILDREN.

(a) IN GENERAL.—Section 152(b)(2) (relating to rules relating to definition of dependent) is amended by inserting immediately before “shall be treated” the following: “, or a foster child of an individual (if such child satisfies the requirements of subsection (a)(9) with respect to such individual),”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) of this section shall apply to taxable years beginning after December 31, 1969.

Ante, p. 718.80 Stat. 1581.
26 USC 1382.

80 Stat. 1582.

68A Stat. 43;
73 Stat. 699.

SEC. 913. COOPERATIVE HOUSING CORPORATIONS.

(a) STOCK HELD BY GOVERNMENTAL UNITS.—Section 216(b) (relating to definitions) is amended by adding at the end thereof the following new paragraph:

“(4) STOCK OWNED BY GOVERNMENTAL UNITS.—For purposes of this subsection, in determining whether a corporation is a cooperative housing corporation, stock owned and apartments leased by the United States or any of its possessions, a State or any political subdivision thereof, or any agency or instrumentality of the foregoing empowered to acquire shares in a cooperative housing corporation for the purpose of providing housing facilities, shall not be taken into account.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1969.

SEC. 914. PERSONAL HOLDING COMPANY DIVIDENDS.

(a) DIVIDENDS PAID AFTER CLOSE OF YEAR.—Section 563(b) (relating to personal holding company tax) is amended by striking out “10 percent” in paragraph (2) and inserting in lieu thereof “20 percent”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1969.

SEC. 915. REPLACEMENT OF PROPERTY INVOLUNTARILY CONVERTED WITHIN A 2-YEAR PERIOD.

(a) IN GENERAL.—Section 1033(a)(3)(B) (relating to the period within which property must be replaced) is amended by striking out “one year” in clause (i) and inserting in lieu thereof “2 years”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply only if the disposition of the converted property (within the meaning of section 1033(a)(2) of the Internal Revenue Code of 1954) occurs after the date of the enactment of this Act.

SEC. 916. CHANGE IN REPORTING INCOME ON INSTALLMENT BASIS.

(a) IN GENERAL.—Section 453(c) (relating to change from accrual to installment basis of reporting) is amended by adding at the end thereof the following new paragraphs:

“(4) REVOCATION OF ELECTION.—An election under paragraph (1) to report taxable income on the installment basis may be revoked by filing a notice of revocation, in such manner as the Secretary or his delegate prescribes by regulations, at any time before the expiration of 3 years following the date of the filing of the tax return for the year of change. If such notice of revocation is timely filed—

“(A) the provisions of paragraph (1) and subsection (a) shall not apply to the year of change or for any subsequent year;

“(B) the statutory period for the assessment of any deficiency for any taxable year ending before the filing of such notice, which is attributable to the revocation of the election to use the installment basis, shall not expire before the expiration of 2 years from the date of the filing of such notice, and such deficiency may be assessed before the expiration of such 2-year period notwithstanding the provisions of any law or rule of law which would otherwise prevent such assessment; and

“(C) if refund or credit of any overpayment, resulting from the revocation of the election to use the installment basis,

68A Stat. 849.
26 USC 7121,
7122.

for any taxable year ending before the date of the filing of the notice of revocation is prevented on the date of such filing, or within one year from such date, by the operation of any law or rule of law (other than section 7121 or 7122), refund or credit of such overpayment may nevertheless be made or allowed if claim therefor is filed within one year from such date. No interest shall be allowed on the refund or credit of such overpayment for any period prior to the date of the filing of the notice of revocation.

“(5) ELECTION AFTER REVOCATION.—If the taxpayer revokes under paragraph (4) an election under paragraph (1) to report taxable income on the installment basis, no election under paragraph (1) may be made, except with the consent of the Secretary or his delegate, for any subsequent taxable year before the fifth taxable year following the year of change with respect to which such revocation is made.”

26 USC 453.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to an election made for any year of change (as defined in section 453(c)(1) of the Internal Revenue Code of 1954) ending on or after the date of the enactment of this Act, and shall also apply to any such year of change which ended before such date if the 3-year statutory period for assessment of any deficiency for such year has not expired on the date of the enactment of this Act.

68A Stat. 103.
26 USC 333.

SEC. 917. RECOGNITION OF GAIN IN CERTAIN LIQUIDATIONS.

For purposes of applying section 333 (e) and (f) of the Internal Revenue Code of 1954 to a distribution in liquidation of a corporation during 1970, stock (including stock received in respect of such stock by reason of a stock dividend or stock split) or securities received by a qualified electing shareholder in exchange for his stock in the liquidating corporation shall be considered as having been acquired by the liquidating corporation before January 1, 1954, if—

(1) such stock or securities were acquired by the liquidating corporation after December 31, 1953, from such qualified electing shareholder (or from a person from whom such qualified electing shareholder acquired such stock in the liquidating corporation by gift, bequest, or inheritance) solely in exchange for its stock in a transaction to which section 351 of such Code (or the corresponding provisions of prior law) applied, and

(2) the holding period of such stock or securities in the hands of the liquidating corporation, determined under section 1223(2) of such Code, includes any period before January 1, 1954.

Subtitle B—Miscellaneous Excise Tax Provisions

SEC. 931. CONCRETE MIXERS.

(a) EXEMPTION FROM TAX ON MOTOR VEHICLES.—Section 4063(a) (relating to exemption of specified articles from the tax on motor vehicles) is amended by adding at the end thereof the following new paragraph:

“(5) CONCRETE MIXERS.—The tax imposed under section 4061 shall not apply in the case of—

“(A) any article designed (i) to be placed or mounted on an automobile truck chassis or truck trailer or semitrailer chassis and (ii) to be used to process or prepare concrete, and

26 USC 4061.

79 Stat. 157.

"(B) parts or accessories designed primarily for use on or in connection with an article described in subparagraph (A)."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to articles sold after December 31, 1969.

SEC. 932. CONSTRUCTIVE SALE PRICE.

(a) **DETERMINATION OF FAIR MARKET PRICE.**—Section 4216(b) (relating to constructive sale price) is amended by adding at the end thereof the following new paragraphs:

"(3) **FAIR MARKET PRICE IN CASE OF CERTAIN ARTICLES.**—Except as provided in paragraph (4), for purposes of paragraph (1)(C), if—

"(A) the manufacturer, producer, or importer of an article regularly sells such article to a distributor which is a member of the same affiliated group of corporations (as defined in section 1504(a)) as the manufacturer, producer, or importer, and

"(B) such distributor regularly sells such article to one or more independent retailers, but does not regularly sell to wholesale distributors,

the fair market price of such article shall be 90 percent of the lowest price for which such distributor regularly sells such article in arm's-length transactions to such independent retailers. The price determined under this paragraph shall not be adjusted for any exclusion (except for the tax imposed on such article) or readjustments under subsections (a) and (f) and under section 6416(b)(1). If both this paragraph and paragraph (4) apply with respect to an article, the fair market price for such article shall be the lower of the fair market price determined under this paragraph or paragraph (4).

"(4) **FAIR MARKET PRICE IN CASE OF CERTAIN OTHER ARTICLES.**—For purposes of paragraph (1)(C), if—

"(A) the manufacturer, producer, or importer of an article regularly sells (except for tax-free sales) only to a distributor which is a member of the same affiliated group of corporations (as defined in section 1504(a)) as the manufacturer, producer, or importer,

"(B) the distributor regularly sells (except for tax-free sales) such article only to retailers, and

"(C) the normal method of sales for such articles within the industry by manufacturers, producers, or importers is to sell such articles in arm's-length transactions to distributors, the fair market price for such article shall be the price at which such article is sold to retailers by the distributor, reduced by a percentage of such price equal to the percentage which (i) the difference between the price for which comparable articles are sold to wholesale distributors, in the ordinary course of trade, by manufacturers or producers thereof, and the price at which such wholesale distributors in arm's-length transactions sell such comparable articles to retailers, is of (ii) the price at which such wholesale distributors in arm's-length transactions sell such comparable articles to retailers. The price determined under this paragraph shall not be adjusted for any exclusion (except for the tax imposed on such article) or readjustment under subsections (a) and (f) and under section 6416(b)(1)."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to articles sold after December 31, 1969.

72 Stat. 1279.
26 USC 4216.

68A Stat. 369.

68A Stat. 801;
72 Stat. 1306.

Subtitle C—Miscellaneous Administrative Provisions

SEC. 941. FILING REQUIREMENTS.

68A Stat. 732.

26 USC 6012.

(a) **IN GENERAL.**—Section 6012(a) (relating to persons required to make returns of income) is amended by striking out paragraph (1) and inserting in lieu thereof the following:

“(1) (A) Every individual having for the taxable year a gross income of \$600 or more, except that a return shall not be required of an individual (other than an individual referred to in section 142(b))—

“(i) who is not married (determined by applying section 143(a)) and for the taxable year has a gross income of less than \$1,700, or

“(ii) who is entitled to make a joint return under section 6013 and whose gross income, when combined with the gross income of his spouse, is, for the taxable year, less than \$2,300 but only if such individual and his spouse, at the close of the taxable year, had the same household as their home.

Clause (ii) shall not apply if for the taxable year such spouse makes a separate return or any other taxpayer is entitled to an exemption for such spouse under section 151(e).

“(B) The \$1,700 amount specified in subparagraph (A)(i) shall be increased to \$2,300 in the case of an individual entitled to an additional personal exemption under section 151(c)(1), and the \$2,300 amount specified in subparagraph (A)(ii) shall be increased by \$600 for each additional personal exemption to which the individual or his spouse is entitled under section 151(c);”.

(b) **TECHNICAL AMENDMENT.**—Subsections (b) and (c)(2) of section 151 (relating to allowance of deductions for personal exemptions) are amended by striking out “if a separate return is made by the taxpayer” and inserting in lieu thereof “if a joint return is not made by the taxpayer and his spouse”.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 1969.

(d) **TAXABLE YEARS AFTER 1972.**—Effective with respect to taxable years beginning after December 31, 1972, section 6012(a)(1) is amended—

(1) by striking out “\$600” each place it appears therein and inserting in lieu thereof “\$750”;

(2) by striking out “\$1,700” each place it appears and inserting in lieu thereof “\$1,750”; and

(3) by striking out “\$2,300” each place it appears and inserting in lieu thereof “\$2,500”.

SEC. 942. COMPUTATION OF TAX BY INTERNAL REVENUE SERVICE.

68A Stat. 736.

(a) **IN GENERAL.**—The first sentence of section 6014(b) (relating to regulations; tax not computed by taxpayer) is amended to read as follows: “The Secretary or his delegate shall prescribe regulations for carrying out this section, and such regulations may provide for the application of the rules of this section—

“(1) to cases where the gross income includes items other than those enumerated by subsection (a),

“(2) to cases where the gross income from sources other than wages on which the tax has been withheld at the source is more than \$100,

Ante, p. 677.

Ante, pp. 675,
676.

68A Stat. 42.

Supra.

“(3) to cases where the gross income is \$10,000 or more,
 “(4) to cases where the taxpayer is entitled to the credit provided by section 37 (relating to retirement income credit), or
 “(5) to cases where the taxpayer does not elect the standard deduction.”

26 USC 37.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1969.

SEC. 943. FAILURE TO MAKE TIMELY PAYMENT OR DEPOSIT OF TAX.

(a) FAILURE To PAY TAX.—Section 6651 (relating to failure to file tax return) is amended to read as follows:

68A Stat. 821.

“SEC. 6651. FAILURE TO FILE TAX RETURN OR TO PAY TAX.

“(a) ADDITION TO THE TAX.—In case of failure—

“(1) to file any return required under authority of subchapter A of chapter 61 (other than part III thereof), subchapter A of chapter 51 (relating to distilled spirits, wines, and beer), or of subchapter A of chapter 52 (relating to tobacco, cigars, cigarettes, and cigarette papers and tubes), or of subchapter A of chapter 53 (relating to machine guns and certain other firearms), on the date prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be added to the amount required to be shown as tax on such return 5 percent of the amount of such tax if the failure is for not more than 1 month, with an additional 5 percent for each additional month or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate;

26 USC 6001,
5001, 5701, 5801.

“(2) to pay the amount shown as tax on any return specified in paragraph (1) on or before the date prescribed for payment of such tax (determined with regard to any extension of time for payment), unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be added to the amount shown as tax on such return 0.5 percent of the amount of such tax if the failure is for not more than 1 month, with an additional 0.5 percent for each additional month or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate; or

“(3) to pay any amount in respect of any tax required to be shown on a return specified in paragraph (1) which is not so shown (including an assessment made pursuant to section 6213(b)) within 10 days of the date of the notice and demand therefor, unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be added to the amount of tax stated in such notice and demand 0.5 percent of the amount of such tax if the failure is for not more than 1 month, with an additional 0.5 percent for each additional month or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate.

26 USC 6213.

“(b) PENALTY IMPOSED ON NET AMOUNT DUE.—For purposes of—

“(1) subsection (a)(1), the amount of tax required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which may be claimed on the return,

“(2) subsection (a)(2), the amount of tax shown on the return shall, for purposes of computing the addition for any month, be

reduced by the amount of any part of the tax which is paid on or before the beginning of such month and by the amount of any credit against the tax which may be claimed on the return, and

“(3) subsection (a)(3), the amount of tax stated in the notice and demand shall, for the purpose of computing the addition for any month, be reduced by the amount of any part of the tax which is paid before the beginning of such month.

(c) LIMITATIONS AND SPECIAL RULE.—

(1) ADDITIONS UNDER MORE THAN ONE PARAGRAPH.—

“(A) With respect to any return, the amount of the addition under paragraph (1) of subsection (a) shall be reduced by the amount of the addition under paragraph (2) of subsection (a) for any month to which an addition to tax applies under both paragraphs (1) and (2).

“(B) With respect to any return, the maximum amount of the addition permitted under paragraph (3) of subsection (a) shall be reduced by the amount of the addition under paragraph (1) of subsection (a) which is attributable to the tax for which the notice and demand is made and which is not paid within 10 days of notice and demand.

(2) AMOUNT OF TAX SHOWN MORE THAN AMOUNT REQUIRED TO BE SHOWN.—If the amount required to be shown as tax on a return is less than the amount shown as tax on such return, subsections (a)(2) and (b)(2) shall be applied by substituting such lower amount.

(d) EXCEPTION FOR DECLARATIONS OF ESTIMATED TAX.—This section shall not apply to any failure to file a declaration of estimated tax required by section 6015 or to pay any estimated tax required to be paid by section 6153 or 6154.”

(b) FAILURE To MAKE DEPOSIT OF TAX.—Section 6656(a) (relating to penalty for failure to make deposit of taxes) is amended by striking out the first sentence and inserting in lieu thereof the following: “In case of failure by any person required by this title or by regulation of the Secretary or his delegate under this title to deposit on the date prescribed therefor any amount of tax imposed by this title in such government depositary as is authorized under section 6302(c) to receive such deposit, unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be imposed upon such person a penalty of 5 percent of the amount of the underpayment.”

(c) CONFORMING AMENDMENTS.—

(1) Section 3121(k)(1)(F)(i) (relating to definitions of waiver of exemption by religious, charitable, and certain other organizations) is amended by inserting “or pay tax” after “tax return”.

(2) Section 3121(k)(1)(G)(i) (relating to definitions of waiver of exemption by religious, charitable, and certain other organizations) is amended by inserting “or pay tax” after “tax return”.

(3) Section 3121(k)(1)(H)(i) (relating to definitions of waivers of exemption by religious, charitable, and certain other organizations) is amended by inserting “or pay tax” after “tax return”.

(4) Section 5684(d)(2) (relating to cross references for penalties relating to the payment and collection of liquor taxes) is amended by inserting “or pay tax” after “tax return”.

26 USC 6015.

82 Stat. 260.

68A Stat. 826.

72 Stat. 1044.

79 Stat. 386.

72 Stat. 1410.

(5) The table of sections for subchapter A of chapter 68 is amended by striking out:

“Sec. 6651. Failure to file tax return.”

and inserting in lieu thereof:

“Sec. 6651. Failure to file tax return or pay tax.”

(6) Section 6653(d) (relating to penalty for failure to pay tax if fraud assessed) is amended by adding “or pay tax” after “such return”.

68A Stat. 822.
26 USC 6653.

(d) **EFFECTIVE DATES.**—The amendments made by subsections (a) and (c) shall apply with respect to returns the date prescribed by law (without regard to any extension of time) for filing of which is after December 31, 1969, and with respect to notices and demands for payment of tax made after December 31, 1969. The amendment made by subsection (b) shall apply with respect to deposits the time for making of which is after December 31, 1969.

SEC. 944. DECLARATIONS OF ESTIMATED TAX BY FARMERS.

(a) **RETURN AS DECLARATION OR AMENDMENT.**—Section 6015(f) (relating to return considered as declaration or amendment) is amended by striking out “February 15” and inserting in lieu thereof “March 1”.

68A Stat. 738.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1968.

SEC. 945. PORTION OF SALARY, WAGES, OR OTHER INCOME EXEMPT FROM LEVY.

(a) **IN GENERAL.**—Section 6334(a) (relating to enumeration of property exempt from levy) is amended by adding at the end thereof the following new paragraph:

68A Stat. 784;
80 Stat. 1137.

“(8) **SALARY, WAGES, OR OTHER INCOME.**—If the taxpayer is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to levies made 30 days or more after the date of the enactment of this Act.

SEC. 946. INTERESTS AND PENALTIES IN CASE OF CERTAIN TAXABLE YEARS.

(a) **INTEREST ON UNDERPAYMENT.**—Notwithstanding section 6601 of the Internal Revenue Code of 1954, in the case of any taxable year ending before the date of the enactment of this Act, no interest on any underpayment of tax, to the extent such underpayment is attributable to the amendments made by this Act, shall be assessed or collected for any period before the 90th day after such date.

26 USC 6601.

(b) **DECLARATIONS OF ESTIMATED TAX.**—In the case of a taxable year beginning before the date of the enactment of this Act, if any taxpayer is required to make a declaration or amended declaration of estimated tax, or to pay any amount or additional amount of estimated tax, by reason of the amendments made by this Act, such amount or additional amount shall be paid ratably on or before each of the remaining installment dates for the taxable year beginning with the first installment date on or after the 30th day after such date of enactment. With respect to any declaration or payment of estimated tax before such first installment date, sections 6015, 6154, 6654, and

82 Stat. 260.

26 USC 6655. 6655 of the Internal Revenue Code of 1954 shall be applied without regard to the amendments made by this Act. For purposes of this subsection, the term "installment date" means any date on which, under section 6153 or 6154 of such Code (whichever is applicable), an installment payment of estimated tax is required to be made by the taxpayer.

Subtitle D—United States Tax Court

SEC. 951. STATUS OF TAX COURT.

68A Stat. 879.

Section 7441 (relating to the status of the Tax Court) is amended to read as follows:

"SEC. 7441. STATUS.

"There is hereby established, under article I of the Constitution of the United States, a court of record to be known as the United States Tax Court. The members of the Tax Court shall be the chief judge and the judges of the Tax Court."

SEC. 952. APPOINTMENT; TERM OF OFFICE.

(a) Subsection (b) of section 7443 (relating to appointment of Tax Court judges) is amended by adding at the end thereof the following new sentence: "No individual shall be a judge of the Tax Court unless he is appointed to that office before attaining the age of 65."

(b) Subsection (e) of such section (relating to terms of office of Tax Court judges) is amended to read as follows:

"(e) TERM OF OFFICE.—The term of office of any judge of the Tax Court shall expire 15 years after he takes office."

SEC. 953. SALARY.

68A Stat. 879;
78 Stat. 434.

Section 7443(c) (relating to salaries of Tax Court judges) is amended to read as follows:

"(c) SALARY.—

"(1) Each judge shall receive salary at the same rate and in the same installments as judges of the district courts of the United States.

"(2) For rate of salary and frequency of installment see section 135, title 28, United States Code, and section 5505, title 5, United States Code."

SEC. 954. RETIREMENT.

(a) Subsection (b) of section 7447 (relating to time of retirement) is amended to read as follows:

"(b) RETIREMENT.—

"(1) Any judge shall retire upon attaining the age of 70.

"(2) Any judge who has attained the age of 65 may retire any time after serving as judge for 15 years or more.

"(3) Any judge who is not reappointed following the expiration of the term of his office may retire upon the completion of such term, if (A) he has served as a judge of the Tax Court for 15 years or more and (B) not earlier than 9 months preceding the date of the expiration of the term of his office and not later than 6 months preceding such date, he advised the President in writing that he was willing to accept reappointment to the Tax Court.

"(4) Any judge who becomes permanently disabled from performing his duties shall retire.

Section 8335(a) of title 5 of the United States Code (relating to automatic separation from the service) shall not apply in respect of judges."

(b) Subsection (d) of such section (relating to retired pay) is amended to read as follows:

80 Stat. 571.

68A Stat. 881;
80 Stat. 5.

“(d) RETIRED PAY.—Any individual who—

“(1) retires under paragraph (1), (2), or (3) of subsection (b) and elects under subsection (e) to receive retired pay under this subsection shall receive retired pay during any period at a rate which bears the same ratio to the rate of the salary payable to a judge during such period as the number of years he has served as judge bears to 10; except that the rate of such retired pay shall not be more than the rate of such salary for such period; or

“(2) retires under paragraph (4) of subsection (b) and elects under subsection (e) to receive retired pay under this subsection shall receive retired pay during any period at a rate—

“(A) equal to the rate of the salary payable to a judge during such period if before he retired he had served as a judge not less than 10 years; or

“(B) one-half of the rate of the salary payable to a judge during such period if before he retired he had served as a judge less than 10 years.

Such retired pay shall begin to accrue on the day following the day on which his salary as judge ceases to accrue, and shall continue to accrue during the remainder of his life. Retired pay under this subsection shall be paid in the same manner as the salary of a judge. In computing the rate of the retired pay under paragraph (1) of this subsection for any individual who is entitled thereto, that portion of the aggregate number of years he has served as a judge which is a fractional part of 1 year shall be eliminated if it is less than 6 months, or shall be counted as a full year if it is 6 months or more.”

(c) Subsection (g) of such section is amended by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

“(2) EFFECT OF ELECTING RETIRED PAY.—In the case of any individual who has filed an election to receive retired pay under subsection (d)—

“(A) no annuity or other payment shall be payable to any person under the civil service retirement laws with respect to any service performed by such individual (whether performed before or after such election is filed and whether performed as judge or otherwise);

“(B) no deduction for purposes of the Civil Service Retirement and Disability Fund shall be made from retired pay payable to him under subsection (d) or from any other salary, pay, or compensation payable to him, for any period beginning after the day on which such election is filed; and

“(C) such individual shall be paid the lump-sum credit computed under section 8331(8) of title 5 of the United States Code upon making application therefor with the Civil Service Commission.”

(d) Section 7447 (relating to retirement) is amended by adding at the end thereof the following new subsection:

“(h) RETIREMENT FOR DISABILITY.—

“(1) Any judge who becomes permanently disabled from performing his duties shall certify to the President his disability in writing. If the chief judge retires for disability, his retirement shall not take effect until concurred in by the President. If any other judge retires for disability, he shall furnish to the President a certificate of disability signed by the chief judge.

“(2) Whenever any judge who becomes permanently disabled from performing his duties does not retire and the President finds

that such judge is unable to discharge efficiently all the duties of his office by reason of permanent mental or physical disability and that the appointment of an additional judge is necessary for the efficient dispatch of business, the President shall declare such judge to be retired."

68A Stat. 880.
26 USC 7447.

Repeal.

(e) Section 7447 (relating to retirement) is further amended as follows:

(1) Paragraph (4) of subsection (a) is repealed.

(2) Paragraph (1) of subsection (g) is amended by striking out "Civil Service Retirement Act" and inserting in lieu thereof "civil service retirement laws" and by striking out "such Act applies" and inserting in lieu thereof "such civil service retirement laws apply".

SEC. 955. SURVIVORS.

75 Stat. 796.

(a) Section 7448(b) (relating to election of survivor annuities) is amended to read as follows:

"(b) ELECTION.—Any judge may by written election filed while he is a judge (except that in the case of an individual who is not reappointed following expiration of his term of office, it may be made at any time before the day after the day on which his successor takes office) bring himself within the purview of this section. In the case of any judge other than the chief judge the election shall be filed with the chief judge; in the case of the chief judge the election shall be filed as prescribed by the Tax Court."

(b) Section 7448 (relating to survivor annuities) is further amended as follows:

(1) Subsections (d), (h), and (r) are each amended by striking out "Civil Service Retirement Act" the last place it appears in each such subsection and inserting in lieu thereof in each such place "civil service retirement laws".

(2) Subsections (d) and (n) are each amended by striking out "section 3 of the Civil Service Retirement Act (5 U.S.C. 2253)" and inserting in lieu thereof in each such place "section 8332 of title 5 of the United States Code".

(3) Subsection (m) is amended by striking out "section 1(c) of the Civil Service Retirement Act (5 U.S.C. 2251(c))" and inserting in lieu thereof "section 2107 of title 5 of the United States Code".

(4) Subsection (r) is amended by striking out "a waiver filed under section 7447(g)(3)" and inserting in lieu thereof "an election filed under section 7447(e)".

SEC. 956. POWERS.

Post, p. 734.

Section 7456 (relating to powers of the Tax Court) is amended by adding at the end thereof the following new subsection:

"(d) INCIDENTAL POWERS.—The Tax Court and each division thereof shall have power to punish by fine or imprisonment, at its discretion, such contempt of its authority, and none other, as—

"(1) misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice;

"(2) misbehavior of any of its officers in their official transactions; or

"(3) disobedience or resistance to its lawful writ, process, order, rule, decree, or command.

It shall have such assistance in the carrying out of its lawful writ, process, order, rule, decree, or command as is available to a court of the United States."

SEC. 957. TAX DISPUTES INVOLVING \$1,000 OR LESS.

(a) Part II of subchapter C of chapter 76 (relating to Tax Court procedure) is amended by renumbering section 7463 as 7464, and by inserting after section 7462 the following new section:

"SEC. 7463. DISPUTES INVOLVING \$1,000 OR LESS.

"(a) IN GENERAL.—In the case of any petition filed with the Tax Court for a redetermination of a deficiency where neither the amount of the deficiency placed in dispute, nor the amount of any claimed overpayment, exceeds—

"(1) \$1,000 for any one taxable year, in the case of the taxes imposed by subtitle A and chapter 12, or

"(2) \$1,000, in the case of the tax imposed by chapter 11, at the option of the taxpayer concurred in by the Tax Court or a division thereof before the hearing of the case, proceedings in the case shall be conducted under this section. Notwithstanding the provisions of section 7453, such proceedings shall be conducted in accordance with such rules of evidence, practice, and procedure as the Tax Court may prescribe. A decision, together with a brief summary of the reasons therefor, in any such case shall satisfy the requirements of sections 7459(b) and 7460.

"(b) FINALITY OF DECISIONS.—A decision entered in any case in which the proceedings are conducted under this section shall not be reviewed in any other court and shall not be treated as a precedent for any other case.

"(c) LIMITATION OF JURISDICTION.—In any case in which the proceedings are conducted under this section, notwithstanding the provisions of sections 6214(a) and 6512(b), no decision shall be entered redetermining the amount of a deficiency, or determining an overpayment, except with respect to amounts placed in dispute within the limits described in subsection (a) and with respect to amounts conceded by the parties.

"(d) DISCONTINUANCE OF PROCEEDINGS.—At any time before a decision entered in a case in which the proceedings are conducted under this section becomes final, the taxpayer or the Secretary or his delegate may request that further proceedings under this section in such case be discontinued. The Tax Court, or the division thereof hearing such case, may, if it finds that (1) there are reasonable grounds for believing that the amount of the deficiency placed in dispute, or the amount of an overpayment, exceeds the applicable jurisdictional amount described in subsection (a), and (2) the amount of such excess is large enough to justify granting such request, discontinue further proceedings in such case under this section. Upon any such discontinuance, proceedings in such case shall be conducted in the same manner as cases to which the provisions of sections 6214(a) and 6512(b) apply.

"(e) AMOUNT OF DEFICIENCY IN DISPUTE.—For purposes of this section, the amount of any deficiency placed in dispute includes additions to the tax, additional amounts, and penalties imposed by chapter 68, to the extent that the procedures described in subchapter B of chapter 68 apply."

(b) The table of sections for part II of subchapter C of chapter 76 is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 7463. Disputes involving \$1,000 or less.

"Sec. 7464. Provisions of special application to transferees."

68A Stat. 885.
26 USC 7456.

SEC. 958. COMMISSIONERS.

Section 7456(c) (relating to Tax Court commissioners) is amended to read as follows:

“(c) **COMMISSIONERS.**—The chief judge may from time to time appoint commissioners who shall proceed under such rules and regulations as may be promulgated by the Tax Court. Each commissioner shall receive the same compensation and travel and subsistence allowances provided by law for commissioners of the United States Court of Claims.”

68A Stat. 891.

SEC. 959. NOTICE OF APPEAL.

(a) Section 7483 (relating to petition for review) is amended to read as follows:

“SEC. 7483. NOTICE OF APPEAL.

“Review of a decision of the Tax Court shall be obtained by filing a notice of appeal with the clerk of the Tax Court within 90 days after the decision of the Tax Court is entered. If a timely notice of appeal is filed by one party, any other party may take an appeal by filing a notice of appeal within 120 days after the decision of the Tax Court is entered.”

(b) The table of sections for subchapter D of chapter 76 is amended by striking out the item relating to section 7483 and inserting in lieu thereof the following:

“Sec. 7483. Notice of appeal.”

SEC. 960. CONFORMING AMENDMENTS.

(a) Section 6214(a) (relating to jurisdiction to determine increased deficiencies, etc.) is amended by striking out “The Tax Court” and inserting in lieu thereof “Except as provided by section 7463, the Tax Court”.

(b) Section 6512(b)(1) (relating to jurisdiction to determine overpayments) is amended by striking out “If the Tax Court” and inserting in lieu thereof “Except as provided by paragraph (2) and by section 7463, if the Tax Court”.

(c) Sections 7447(a)(1) and 7448(a)(1) (relating to retirement and survivor annuities) are each amended by striking out “Tax Court of the United States” and inserting in lieu thereof “United States Tax Court”.

(d) Section 7447(a)(5) (relating to periods of service) is amended by striking out “or as a member of the Board,” and inserting in lieu thereof “, as judge of the Tax Court of the United States, or as a member of the Board of Tax Appeals.”

(e) Section 7448(n) (relating to includible service) is amended by inserting after “Tax Appeals” the following: “, as a judge of the Tax Court of the United States.”

(f) Section 7453 (relating to rules of practice, procedure, and evidence) is amended by striking out “The” and inserting in lieu thereof “Except in the case of proceedings conducted under section 7463, the”.

(g) Section 7471(c) (relating to travel and subsistence allowances of commissioners) is amended to read as follows:

“(c) COMMISSIONERS.—

“For compensation and travel and subsistence allowances of commissioners of the Tax Court, see section 7456(c).”

75 Stat. 796.

68A Stat. 889.

(h) (1) Section 7481 (relating to date when Tax Court decision becomes final) is amended—

(A) by striking out so much of such section as precedes paragraph (2) thereof and inserting in lieu thereof the following:

(a) REVIEWABLE DECISIONS.—Except as provided in subsection (b), the decision of the Tax Court shall become final—

“(1) **TIMELY NOTICE OF APPEAL NOT FILED.**—Upon the expiration of the time allowed for filing a notice of appeal, if no such notice has been duly filed within such time; or”;

(B) by striking out “**PETITION FOR REVIEW**” in the heading of paragraph (2) and inserting in lieu thereof “**APPEAL**”;

(C) by striking out “petition for review” each place it appears in the text of paragraph (2) and inserting in lieu thereof “appeal”; and

(D) by adding at the end thereof the following new subsection:

“(b) NONREVIEWABLE DECISIONS.—The decision of the Tax Court in a proceeding conducted under section 7463 shall become final upon the expiration of 90 days after the decision is entered.”

(2) Section 7482(c) (relating to courts of review) is amended—

(A) by striking out “section 2074 of title 28” in paragraph

(2) and inserting in lieu thereof “section 2072 of title 28”;

(B) by striking out the second sentence of paragraph (2); and

(C) by striking out “petition” in paragraph (4) and inserting in lieu thereof “notice of appeal”.

(3) Section 7485 (relating to bond to stay assessment and collection) is amended—

(A) by striking out “**PETITION FOR REVIEW**” in the heading of subsection (a) and inserting in lieu thereof “**NOTICE OF APPEAL**”;

(B) by striking out “petition for review” each place it appears in the text of subsection (a) and inserting in lieu thereof “notice of appeal”; and

(C) by striking out “review bond” in paragraph (2) of subsection (a) and inserting in lieu thereof “appeal bond”.

(i) (1) Section 7487 (relating to cross references) is amended to read as follows:

“SEC. 7487. CROSS REFERENCES.

“(1) **Nonreviewability.**—For nonreviewability of Tax Court decisions in small claims cases, see section 7463(b).

“(2) **Transcripts.**—For authority of the Tax Court to fix fees for transcript of records, see section 7474.”

(2) The last item in the table of sections for subchapter D of chapter 76 (relating to court review of Tax Court decisions) is amended to read as follows:

“Sec. 7487. Cross references.”

(j) Section 7701(a)(27) (relating to definition of Tax Court) is amended by striking out “Tax Court of the United States” and inserting in lieu thereof “United States Tax Court”.

SEC. 961. CONTINUATION OF STATUS.

The United States Tax Court established under the amendment made by section 951 is a continuation of the Tax Court of the United States as it existed prior to the date of enactment of this Act, the judges of the Tax Court of the United States immediately prior to the date of enactment of this Act shall become the judges of the United States Tax Court upon the enactment of this Act, and no loss of rights or powers, interruption of jurisdiction, or prejudice to mat-

Ante, p. 733.

Ante, p. 730.

rs pending in the Tax Court of the United States before the date of enactment of this Act shall result from the enactment of this Act.

SEC. 962. EFFECTIVE DATES.

Ante, pp. 730-735.

(a) The amendments made by sections 951, 953, 954 (c) and (e), 955, 956, 958, and 960 (c), (d), (e), (g), and (j) shall take effect on the date of enactment of this Act.

(b) The amendment made by section 952(a) shall apply to judges appointed after the date of enactment of this Act.

(c) The amendment made by section 952(b) shall take effect on the date of enactment of this Act, except that—

(1) the term of office being served by a judge of the Tax Court on that date shall expire on the date it would have expired under the law in effect on the date preceding the date of enactment of this Act; and

(2) a judge of the Tax Court on the date of enactment of this Act may be reappointed in the same manner as a judge of the Tax Court hereafter appointed.

(d) The amendments made by subsections (a), (b), and (d) of section 954 shall apply to—

(1) all judges of the Tax Court retiring on or after the date of enactment of this Act, and

(2) all individuals performing judicial duties pursuant to section 7447(c) or receiving retired pay pursuant to section 7447(d) on the day preceding the date of enactment of this Act.

Ante, p. 730.

Any individual who has served as a judge of the Tax Court for 18 years or more by the end of one year after the date of the enactment of this Act may retire in accordance with the provisions of section 7447 of the Internal Revenue Code of 1954 as in effect on the day preceding the date of the enactment of this Act. Any individual who is a judge of the Tax Court on the date of the enactment of this Act may retire under the provisions of section 7447 of such Code upon the completion of the term of his office, if he is not reappointed as a judge of the Tax Court and gives notice to the President within the time prescribed by section 7447(b) of such Code (or if his term expires within 6 months after the date of enactment of this Act, gives notice to the President before the expiration of 3 months after the date of enactment of this Act), and shall receive retired pay at a rate which bears the same ratio to the rate of the salary payable to a judge as the number of years he has served as a judge of the Tax Court bears to 15; except that the rate of such retired pay shall not exceed the rate of the salary of a judge of the Tax Court. For purposes of the preceding sentence the years of service as a judge of the Tax Court shall be determined in the manner set forth in section 7447(d) of such Code.

Ante, p. 730.

Ante, pp. 733-735.

(e) The amendments made by sections 957 and 960 (a), (b), (f), and (i) shall take effect one year after the date of enactment of this Act.

(f) The amendments made by sections 959 and 960(h) shall take effect 30 days after the date of the enactment of this Act. In the case of any decision of the Tax Court entered before the 30th day after the date of the enactment of this Act, the United States Courts of Appeals shall have jurisdiction to hear an appeal from such decision, if such appeal was filed within the time prescribed by Rule 13(a) of the Federal Rules of Appellate Procedure or by section 7483 of the Internal Revenue Code of 1954, as in effect at the time the decision of the Tax Court was entered.

53 Stat. 1362;
81 Stat. 833.
42 USC 401-
429.

Ante, p. 739.
42 USC 402.

81 Stat. 827.
42 USC 415.

81 Stat. 827.

Ante, p. 737.

42 USC 423.

81 Stat. 827.
42 USC 427.

42 USC 428.

(2) Notwithstanding any other provision of law, when two or more persons are entitled to monthly insurance benefits under title II of the Social Security Act for any month after 1969 on the basis of the wages and self-employment income of an insured individual (and at least one of such persons was so entitled for a month before January 1971 on the basis of an application filed before 1971), the total of the benefits to which such persons are entitled under such title for such month (after the application of sections 203(a) and 202(q) of such Act) shall be not less than the total of the monthly insurance benefits to which such persons would be entitled under such title for such month (after the application of such sections 203(a) and 202(q)) without regard to the amendment made by subsection (a) of this section.

(c) Section 215(b)(4) of such Act is amended by striking out "January 1968" each time it appears and inserting in lieu thereof "December 1969".

(d) Section 215(c) of such Act is amended to read as follows:

"Primary Insurance Amount Under 1967 Act"

"(c)(1) For the purposes of column II of the table appearing in subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the enactment of the Social Security Amendments of 1969.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223 before January 1970, or who died before such month."

(e) The amendments made by this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1969 and with respect to lump-sum death payments under such title in the case of deaths occurring after December 1969.

(f) If an individual was entitled to a disability insurance benefit under section 223 of the Social Security Act for December 1969 and became entitled to old-age insurance benefits under section 202(a) of such Act for January 1970, or he died in such month, then, for purposes of section 215(a)(4) of the Social Security Act (if applicable), the amount in column IV of the table appearing in such section 215(a) for such individual shall be the amount in such column on the line on which in column II appears his primary insurance amount (as determined under section 215(c) of such Act) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based.

SEC. 1003. INCREASE IN BENEFITS FOR CERTAIN INDIVIDUALS AGE 72 AND OVER.

(a)(1) Section 227(a) of the Social Security Act is amended by striking out "\$40" and inserting in lieu thereof "\$46", and by striking out "\$20" and inserting in lieu thereof "\$23".

(2) Section 227(b) of such Act is amended by striking out "\$40" and inserting in lieu thereof "\$46".

(b)(1) Section 228(b)(1) of such Act is amended by striking out "\$40" and inserting in lieu thereof "\$46".

(2) Section 228(b)(2) of such Act is amended by striking out "\$40" and inserting in lieu thereof "\$46", and by striking out "\$20" and inserting in lieu thereof "\$23".

(3) Section 228(c)(2) of such Act is amended by striking out "\$20" and inserting in lieu thereof "\$23".

(4) Section 228(c)(3)(A) of such Act is amended by striking out "\$40" and inserting in lieu thereof "\$46".

81 Stat. 828.
42 USC 428.

(5) Section 228(c)(3)(B) of such Act is amended by striking out "\$20" and inserting in lieu thereof "\$23".

(c) The amendments made by subsections (a) and (b) shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1969.

SEC. 1004. MAXIMUM AMOUNT OF A WIFE'S OR HUSBAND'S INSURANCE BENEFIT.

(a) Section 202(b)(2) of the Social Security Act is amended to read as follows:

"(2) Except as provided in subsection (q), such wife's insurance benefit for each month shall be equal to one-half of the primary insurance amount of her husband (or, in the case of a divorced wife, her former husband) for such month."

(b) Section 202(c)(3) of such Act is amended to read as follows:

"(3) Except as provided in subsection (q), such husband's insurance benefit for each month shall be equal to one-half of the primary insurance amount of his wife for such month."

(c) Sections 202(e)(4) and 202(f)(5) of such Act are each amended by striking out "whichever of the following is the smaller: (A) one-half of the primary insurance amount of the deceased individual on whose wages and self-employment income such benefit is based, or (B) \$105" and inserting in lieu thereof "one-half of the primary insurance amount of the deceased individual on whose wages and self-employment income such benefit is based".

(d) The amendments made by subsections (a), (b), and (c) shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1969.

SEC. 1005. ALLOCATION TO DISABILITY INSURANCE TRUST FUND.

(a) Section 201(b)(1) of the Social Security Act is amended—

81 Stat. 837.
42 USC 401.

(1) by striking out "and" at the end of clause (B); and
(2) by striking out "1967, and so reported," and inserting in lieu thereof the following: "1967, and before January 1, 1970, and so reported, and (D) 1.10 per centum of the wages (as so defined) paid after December 31, 1969, and so reported".

(b) Section 201(b)(2) of such Act is amended—

(1) by striking out "and" at the end of clause (B); and
(2) by striking out "1967," and inserting in lieu thereof the following: "1967, and before January 1, 1970, and (D) 0.825 of 1 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1969".

SEC. 1006. DISREGARDING OF RETROACTIVE PAYMENT OF OASDI BENEFIT INCREASE.

Notwithstanding the provisions of sections 2(a)(10), 402(a)(7), 1002(a)(8), 1402(a)(8), and 1602(a)(13) and (14) of the Social Security Act, each State, in determining need for aid or assistance under a State plan approved under title I, X, XIV, or XVI, or part A of title IV, of such Act, shall disregard (and the plan shall be deemed to require the State to disregard), in addition to any other amounts which the State is required or permitted to disregard in determining such need, any amount paid to an individual under title II of such Act (or under the Railroad Retirement Act of 1937 by reason of the first proviso in section 3(e) thereof), in any month after December 1969, to the extent that (1) such payment is attributable to the increase in monthly benefits under the old-age, survivors, and

42 USC 302,
602, 1202, 1352,
1382.

65 Stat. 685;
82 Stat. 18.
45 USC 228c.

disability insurance system for January or February 1970 resulting from the enactment of this title, and (2) the amount of such increase is paid separately from the rest of the monthly benefit of such individual for January or February 1970.

SEC. 1007. DISREGARDING OF INCOME OF OASDI RECIPIENTS IN DETERMINING NEED FOR PUBLIC ASSISTANCE.

42 USC 301,
1201, 1351, 1381.

42 USC 401-
429.

42 USC 1206.

In addition to the requirements imposed by law as a condition of approval of a State plan to provide aid or assistance in the form of money payments to individuals under title I, X, XIV, or XVI of the Social Security Act, there is hereby imposed the requirement (and the plan shall be deemed to require) that, in the case of any individual receiving aid or assistance for any month after March 1970 and before July 1970 who also receives in such month a monthly insurance benefit under title II of such Act which is increased as a result of the enactment of the other provisions of this title, the sum of the aid or assistance received by him for such month, plus the monthly insurance benefit received by him in such month (not including any part of such benefit which is disregarded under section 1006), shall exceed the sum of the aid or assistance which would have been received by him for such month under such plan as in effect for March 1970, plus the monthly insurance benefit which would have been received by him in such month without regard to the other provisions of this title, by an amount equal to \$4 or (if less) to such increase in his monthly insurance benefit under such title II (whether such excess is brought about by disregarding a portion of such monthly insurance benefit or otherwise).

Approved December 30, 1969, 9:30 a.m.

Public Law 91-173

December 30, 1969
[S. 2917]

Federal Coal
Mine Health and
Safety Act of
1969.

AN ACT

To provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Federal Coal Mine Health and Safety Act of 1969".

FINDINGS AND PURPOSE

SEC. 2. Congress declares that—

(a) the first priority and concern of all in the coal mining

industry must be the health and safety of its most precious resource—the miner;

(b) deaths and serious injuries from unsafe and unhealthful conditions and practices in the coal mines cause grief and suffering to the miners and to their families;

(c) there is an urgent need to provide more effective means and measures for improving the working conditions and practices in the Nation's coal mines in order to prevent death and serious physical harm, and in order to prevent occupational diseases originating in such mines;

(d) the existence of unsafe and unhealthful conditions and practices in the Nation's coal mines is a serious impediment to the future growth of the coal mining industry and cannot be tolerated;

(e) the operators of such mines with the assistance of the miners have the primary responsibility to prevent the existence of such conditions and practices in such mines;

(f) the disruption of production and the loss of income to operators and miners as a result of coal mine accidents or occupationally caused diseases unduly impedes and burdens commerce; and

(g) it is the purpose of this Act (1) to establish interim mandatory health and safety standards and to direct the Secretary of Health, Education, and Welfare and the Secretary of the Interior to develop and promulgate improved mandatory health or safety standards to protect the health and safety of the Nation's coal miners; (2) to require that each operator of a coal mine and every miner in such mine comply with such standards; (3) to cooperate with, and provide assistance to, the States in the development and enforcement of effective State coal mine health and safety programs; and (4) to improve and expand, in cooperation with the States and the coal mining industry, research and development and training programs aimed at preventing coal mine accidents and occupationally caused diseases in the industry.

DEFINITIONS

SEC. 3. For the purpose of this Act, the term—

(a) "Secretary" means the Secretary of the Interior or his delegate;

(b) "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a place in a State and any place outside thereof, or within the District of Columbia or a possession of the United States, or between points in the same State but through a point outside thereof;

(c) "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(d) "operator" means any owner, lessee, or other person who operates, controls, or supervises a coal mine;

(e) "agent" means any person charged with responsibility for the operation of all or a part of a coal mine or the supervision of the miners in a coal mine;

(f) "person" means any individual, partnership, association, corporation, firm, subsidiary of a corporation, or other organization;

(g) "miner" means any individual working in a coal mine;

(h) "coal mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities;

(i) "work of preparing the coal" means the breaking, crushing, sizing, cleaning, washing, drying, mixing, storing, and loading of bituminous coal, lignite, or anthracite, and such other work of preparing such coal as is usually done by the operator of the coal mine;

(j) "imminent danger" means the existence of any condition or practice in a coal mine which could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated;

(k) "accident" includes a mine explosion, mine ignition, mine fire, or mine inundation, or injury to, or death of, any person;

(l) "mandatory health or safety standard" means the interim mandatory health or safety standards established by titles II and III of this Act, and the standards promulgated pursuant to title I of this Act; and

(m) "Panel" means the Interim Compliance Panel established by this Act.

MINES SUBJECT TO ACT

SEC. 4. Each coal mine, the products of which enter commerce, or the operations or products of which affect commerce, and each operator of such mine, and every miner in such mine shall be subject to the provisions of this Act.

INTERIM COMPLIANCE PANEL

Establishment;
membership.

SEC. 5. (a) There is hereby established the Interim Compliance Panel, which shall be composed of five members as follows:

(1) Assistant Secretary of Labor for Labor Standards, Department of Labor, or his delegate;

(2) Director of the Bureau of Standards, Department of Commerce, or his delegate;

(3) Administrator of Consumer Protection and Environmental Health Service, Department of Health, Education, and Welfare, or his delegate;

(4) Director of the Bureau of Mines, Department of the Interior, or his delegate; and

(5) Director of the National Science Foundation, or his delegate.

(b) Members of the Panel shall serve without compensation in addition to that received in their regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of duties vested in the Panel.

Travel ex-
penses, etc.

(c) Notwithstanding any other provision of law, the Secretary of Health, Education, and Welfare, the Secretary of Commerce, the Secretary of Labor, and the Secretary shall, upon request of the Panel, provide the Panel such personnel and other assistance as the Panel determines necessary to enable it to carry out its functions under this Act.

Agency coopera-
tion.

(d) Three members of the Panel shall constitute a quorum for doing business. All decisions of the Panel shall be by majority vote. The chairman of the Panel shall be selected by the members from among the membership thereof.

Quorum.

(e) The Panel is authorized to appoint as many hearing examiners as are necessary for proceedings required to be conducted in accordance with the provisions of this Act. The provisions applicable to hearing examiners appointed under section 3105 of title 5 of the United States Code shall be applicable to hearing examiners appointed pursuant to this subsection.

Hearing exam-
iners, appoint-
ment.

(f) (1) It shall be the function of the Panel to carry out the duties imposed on it pursuant to this Act and to provide an opportunity for a public hearing, after notice, at the request of an operator of the affected coal mine or the representative of the miners of such mine. Any operator or representative of miners aggrieved by a final decision of the Panel may file a petition for review of such decision under section 106 of this Act. The provisions of this section shall terminate upon completion of the Panel's functions as set forth under this Act. Any hearing held pursuant to this subsection shall be of record and the Panel shall make findings of fact and shall issue a written decision incorporating its findings therein in accordance with section 554 of title 5 of the United States Code.

80 Stat. 415.

Duties.

Post, p. 754.

(2) The Panel shall make an annual report, in writing, to the Secretary for transmittal by him to the Congress concerning the achievement of its purposes, and any other relevant information (including any recommendations) which it deems appropriate.

80 Stat. 384.

Annual report to
Secretary and
Congress.

TITLE I—GENERAL

HEALTH AND SAFETY STANDARDS; REVIEW

SEC. 101. (a) The Secretary shall, in accordance with the procedures set forth in this section, develop, promulgate, and revise, as may be appropriate, improved mandatory safety standards for the protection of life and the prevention of injuries in a coal mine, and shall, in accordance with the procedures set forth in this section, promulgate the mandatory health standards transmitted to him by the Secretary of Health, Education, and Welfare.

(b) No improved mandatory health or safety standard promulgated under this title shall reduce the protection afforded miners below that provided by any mandatory health or safety standard.

(c) In the development and revision of mandatory safety standards, the Secretary shall consult with the Secretary of Health, Education, and Welfare, the Secretary of Labor, and with other interested Federal

agencies, appropriate representatives of State agencies, appropriate representatives of the coal mine operators and miners, other interested persons and organizations, and such advisory committees as he may appoint. Such development and revision of mandatory safety standards shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of safety protection for miners, other considerations shall be the latest available scientific data in the field, the technical feasibility of the standards, and experience gained under this and other safety statutes.

(d) The Secretary of Health, Education, and Welfare shall, in accordance with the procedures set forth in this section, develop and revise, as may be appropriate, improved mandatory health standards for the protection of life and the prevention of occupational diseases of miners. In the development and revision of mandatory health standards, the Secretary of Health, Education, and Welfare shall consult with the Secretary, the Secretary of Labor, and with other interested Federal agencies, appropriate representatives of State agencies, appropriate representatives of the coal mine operators and miners, other interested persons and organizations, such advisory committees as he may appoint, and, where appropriate, foreign countries. Such development and revision of mandatory standards shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health protection for the miner, other considerations shall be the latest available scientific data in the field, the technical feasibility of the standards, and experience gained under this and other health statutes. Mandatory health standards which the Secretary of Health, Education, and Welfare develops or revises shall be transmitted to the Secretary, and shall thereupon be published in the Federal Register by the Secretary as proposed mandatory health standards.

(e) The Secretary shall publish proposed mandatory health and safety standards in the Federal Register and shall afford interested persons a period of not less than thirty days after publication to submit written data or comments. In the case of mandatory safety standards, except as provided in subsection (f) of this section, the Secretary may, upon the expiration of such period and after consideration of all relevant matter presented, promulgate such standards with such modifications as he may deem appropriate. In the case of mandatory health standards, except as provided in subsection (f) of this section, the Secretary of Health, Education, and Welfare may, upon the expiration of such period and after consideration of all relevant matter presented to the Secretary and transmitted to the Secretary of Health, Education, and Welfare, direct the Secretary to promulgate such standards with such modifications as the Secretary of Health, Education, and Welfare may deem appropriate and the Secretary shall thereupon promulgate such standards.

Objections.

(f) On or before the last day of any period fixed for the submission of written data or comments under subsection (e) of this section, any interested person may file with the Secretary written objections to a proposed mandatory health or safety standard, stating the grounds therefor and requesting a public hearing on such objections. As soon as practicable after the period for filing such objections has expired, the Secretary shall publish in the Federal Register a notice specifying the proposed mandatory health or safety standards to which objections have been filed and a hearing requested.

Publication in
Federal Register.

Publication in
Federal Register.

Objections.

Publication in
Federal Register.

(g) Promptly after any such notice is published in the Federal Register by the Secretary under subsection (f) of this section, the Secretary, in the case of mandatory safety standards, or the Secretary of Health, Education, and Welfare, in the case of mandatory health standards, shall issue notice of, and hold, a public hearing for the purpose of receiving relevant evidence. Within sixty days after completion of the hearings, the Secretary who held the hearing shall make findings of fact which shall be public. In the case of mandatory safety standards, the Secretary may promulgate such standards with such modifications as he deems appropriate. In the case of mandatory health standards, the Secretary of Health, Education, and Welfare may direct the Secretary to promulgate the mandatory health standards with such modifications as the Secretary of Health, Education, and Welfare deems appropriate and the Secretary shall thereupon promulgate the mandatory health standards. In the event the Secretary or the Secretary of Health, Education, and Welfare, as the case may be, determines that a proposed mandatory health or safety standard should not be promulgated or should be modified, he shall within a reasonable time publish his reasons for his determination.

Hearings.

(h) Any mandatory health or safety standard promulgated under this section shall be effective upon publication in the Federal Register unless the Secretary or the Secretary of Health, Education, and Welfare, as appropriate, specifies a later date.

Effective date.

(i) Proposed mandatory health and safety standards for surface coal mines shall be published by the Secretary, in accordance with the provisions of this section, not later than twelve months after the date of enactment of this Act. Proposed mandatory health and safety standards for surface work areas of underground coal mines, in addition to those established for such areas under this Act, shall be published by the Secretary, in accordance with the provisions of this section, not later than twelve months after the date of enactment of this Act.

(j) All interpretations, regulations, and instructions of the Secretary or the Director of the Bureau of Mines, in effect on the date of enactment of this Act and not inconsistent with any provision of this Act, shall be published in the Federal Register and shall continue in effect until modified or superseded in accordance with the provisions of this Act.

Publication in
Federal Register.

(k) The Secretary shall send a copy of every proposed standard or regulation at the time of publication in the Federal Register to the operator of each coal mine and the representative of the miners at such mine and such copy shall be immediately posted on the bulletin board of the mine by the operator or his agent, but failure to receive such notice shall not relieve anyone of the obligation to comply with such standard or regulation.

Copies.

ADVISORY COMMITTEES

SEC. 102. (a) (1) The Secretary shall appoint an advisory committee on coal mine safety research composed of—

(A) the Director of the Office of Science and Technology, or his delegate, with the consent of the Director;

Committee on
coal mine safety
research, member-
ship.

(B) the Director of the National Bureau of Standards, Department of Commerce, or his delegate, with the consent of the Director;

(C) the Director of the National Science Foundation, or his delegate, with the consent of the Director; and

(D) such other persons as the Secretary may appoint who are knowledgeable in the field of coal mine safety research.

The Secretary shall designate the chairman of the committee.

(2) The advisory committee shall consult with, and make recommendations to, the Secretary on matters involving or relating to coal mine safety research. The Secretary shall consult with, and consider the recommendations of, such committee in the conduct of such research, the making of any grant, and the entering into of contracts for such research.

(3) The chairman of the committee and a majority of the persons appointed by the Secretary pursuant to paragraph (1)(D) of this subsection shall be individuals who have no economic interests in the coal mining industry, and who are not operators, miners, or officers or employees of the Federal Government or any State or local government.

(b) (1) The Secretary of Health, Education, and Welfare shall appoint an advisory committee on coal mine health research composed of—

(A) the Director, Bureau of Mines, or his delegate, with the consent of the Director;

(B) the Director of the National Science Foundation, or his delegate, with the consent of the Director;

(C) the Director of the National Institutes of Health, or his delegate, with the consent of the Director; and

(D) such other persons as the Secretary of Health, Education, and Welfare may appoint who are knowledgeable in the field of coal mine health research.

The Secretary of Health, Education, and Welfare shall designate the chairman of the committee.

(2) The advisory committee shall consult with, and make recommendations to, the Secretary of Health, Education, and Welfare on matters involving or relating to coal mine health research. The Secretary of Health, Education, and Welfare shall consult with, and consider the recommendations of, such committee in the conduct of such research, the making of any grant, and the entering into of contracts for such research.

(3) The chairman of the committee and a majority of the persons appointed by the Secretary of Health, Education, and Welfare pursuant to paragraph (1)(D) of this subsection shall be individuals who have no economic interests in the coal mining industry, and who are not operators, miners, or officers or employees of the Federal Government or any State or local government.

(c) The Secretary or the Secretary of Health, Education, and Welfare may appoint other advisory committees as he deems appropriate to advise him in carrying out the provisions of this Act. The Secretary or the Secretary of Health, Education, and Welfare, as the case may be, shall appoint the chairman of each such committee, who shall be an individual who has no economic interest in the coal mining industry, and who is not an operator, miner, or an officer or employee of the Federal Government or any State or local government. A majority of the members of any such advisory committee appointed pursuant to this subsection shall be composed of individuals who have no economic

Conflict of
interest.

Committee on
coal mine health
research, member-
ship.

Conflict of
interest.

interests in the coal mining industry, and who are not operators, miners, or officers or employees of the Federal Government or any State or local government.

(d) Advisory committee members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including traveltimes) during which they are performing committee business, entitled to receive compensation at a rate fixed by the appropriate Secretary but not in excess of the maximum rate of pay for grade GS-18 as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses.

Compensation
and travel ex-
penses.

5 USC 5332
note.
Ante, p. 190.
80 Stat. 499.

INSPECTIONS AND INVESTIGATIONS

SEC. 103. (a) Authorized representatives of the Secretary shall make frequent inspections and investigations in coal mines each year for the purpose of (1) obtaining, utilizing, and disseminating information relating to health and safety conditions, the causes of accidents and the causes of diseases and physical impairments originating in such mines, (2) gathering information with respect to mandatory health or safety standards, (3) determining whether an imminent danger exists, and (4) determining whether or not there is compliance with the mandatory health or safety standards or with any notice, order, or decision issued under this title. In carrying out the requirements of clauses (3) and (4) of this subsection, no advance notice of an inspection shall be provided to any person. In carrying out the requirements of clauses (3) and (4) of this subsection in each underground coal mine, such representatives shall make inspections of the entire mine at least four times a year.

(b) (1) For the purpose of making any inspection or investigation under this Act, the Secretary or any authorized representative of the Secretary shall have a right of entry to, upon, or through any coal mine.

(2) For the purpose of developing improved mandatory health standards, the Secretary of Health, Education, and Welfare or his authorized representative shall have a right of entry to, upon, or through, any coal mine.

(3) The provisions of this Act relating to investigations and records shall be available to the Secretary of Health, Education, and Welfare to enable him to carry out his functions and responsibilities under this Act.

(c) For the purpose of carrying out his responsibilities under this Act, including the enforcement thereof, the Secretary may by agreement utilize with or without reimbursement the services, personnel, and facilities of any Federal agency.

(d) For the purpose of making any investigation of any accident or other occurrence relating to health or safety in a coal mine, the Secretary may, after notice, hold public hearings, and may sign and issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person under this section, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall

Right of entry.

Right of entry.

Hearings, sub-
pena power.

have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) In the event of any accident occurring in a coal mine, the operator shall notify the Secretary thereof and shall take appropriate measures to prevent the destruction of any evidence which would assist in investigating the cause or causes thereof. In the event of any accident occurring in a coal mine where rescue and recovery work is necessary, the Secretary or an authorized representative of the Secretary shall take whatever action he deems appropriate to protect the life of any person, and he may, if he deems it appropriate, supervise and direct the rescue and recovery activity in such mine.

(f) In the event of any accident occurring in a coal mine, an authorized representative of the Secretary, when present, may issue such orders as he deems appropriate to insure the safety of any person in the coal mine, and the operator of such mine shall obtain the approval of such representative, in consultation with appropriate State representatives, when feasible, of any plan to recover any person in the mine or to recover the mine or to return affected areas of the mine to normal.

(g) Whenever a representative of the miners has reasonable grounds to believe that a violation of a mandatory health or safety standard exists, or an imminent danger exists, such representative shall have a right to obtain an immediate inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, signed by the representative of the miners, and a copy shall be provided the operator or his agent no later than at the time of inspection, except that, upon the request of the person giving such notice, his name and the names of individual miners referred to therein shall not appear in such copy. Upon receipt of such notification, a special inspection shall be made as soon as possible to determine if such violation or danger exists in accordance with the provisions of this title.

(h) At the commencement of any inspection of a coal mine by an authorized representative of the Secretary, the authorized representative of the miners at the mine at the time of such inspection shall be given an opportunity to accompany the authorized representative of the Secretary on such inspection.

(i) Whenever the Secretary finds that a mine liberates excessive quantities of methane or other explosive gases during its operations, or that a methane or other gas ignition or explosion has occurred in such mine which resulted in death or serious injury at any time during the previous five years, or that there exists in such mine other especially hazardous conditions, he shall provide a minimum of one spot inspection by his authorized representative of all or part of such mine during every five working days at irregular intervals.

FINDINGS, NOTICES, AND ORDERS

SEC. 104. (a) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds that an imminent danger exists, such representative shall determine the area throughout which such danger exists, and thereupon shall issue forthwith an order requiring the operator of the mine or his agent to cause immediately all persons,

except those referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that such imminent danger no longer exists.

(b) Except as provided in subsection (i) of this section, if, upon any inspection of a coal mine, an authorized representative of the Secretary finds that there has been a violation of any mandatory health or safety standard but the violation has not created an imminent danger, he shall issue a notice to the operator or his agent fixing a reasonable time for the abatement of the violation. If, upon the expiration of the period of time as originally fixed or subsequently extended, an authorized representative of the Secretary finds that the violation has not been totally abated, and if he also finds that the period of time should not be further extended, he shall find the extent of the area affected by the violation and shall promptly issue an order requiring the operator of such mine or his agent to cause immediately all persons, except those referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that the violation has been abated.

(c) (1) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds that there has been a violation of any mandatory health or safety standard, and if he also finds that, while the conditions created by such violation do not cause imminent danger, such violation is of such nature as could significantly and substantially contribute to the cause and effect of a mine safety or health hazard, and if he finds such violation to be caused by an unwarrantable failure of such operator to comply with such mandatory health or safety standards, he shall include such finding in any notice given to the operator under this Act. If, during the same inspection or any subsequent inspection of such mine within ninety days after the issuance of such notice, an authorized representative of the Secretary finds another violation of any mandatory health or safety standard and finds such violation to be also caused by an unwarrantable failure of such operator to so comply, he shall forthwith issue an order requiring the operator to cause all persons in the area affected by such violation, except those persons referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that such violation has been abated.

(2) If a withdrawal order with respect to any area in a mine has been issued pursuant to paragraph (1) of this subsection, a withdrawal order shall promptly be issued by an authorized representative of the Secretary who finds upon any subsequent inspection the existence in such mine of violations similar to those that resulted in the issuance of the withdrawal order under paragraph (1) of this subsection until such time as an inspection of such mine discloses no similar violations. Following an inspection of such mine which discloses no similar violations, the provisions of paragraph (1) of this subsection shall again be applicable to that mine.

(d) The following persons shall not be required to be withdrawn from, or prohibited from entering, any area of the coal mine subject to an order issued under this section:

(1) any person whose presence in such area is necessary, in the judgment of the operator or an authorized representative of the Secretary, to eliminate the condition described in the order;

(2) any public official whose official duties require him to enter such area;

(3) any representative of the miners in such mine who is, in the judgment of the operator or an authorized representative of the Secretary, qualified to make coal mine examinations or who is accompanied by such a person and whose presence in such area is necessary for the investigation of the conditions described in the order; and

(4) any consultant to any of the foregoing.

(e) Notices and orders issued pursuant to this section shall contain a detailed description of the conditions or practices which cause and constitute an imminent danger or a violation of any mandatory health or safety standard and, where appropriate, a description of the area of the coal mine from which persons must be withdrawn and prohibited from entering.

(f) Each notice or order issued under this section shall be given promptly to the operator of the coal mine or his agent by an authorized representative of the Secretary issuing such notice or order, and all such notices and orders shall be in writing and shall be signed by such representative.

(g) A notice or order issued pursuant to this section, except an order issued under subsection (h) of this section, may be modified or terminated by an authorized representative of the Secretary.

(h) (1) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds (A) that conditions exist therein which have not yet resulted in an imminent danger, (B) that such conditions cannot be effectively abated through the use of existing technology, and (C) that reasonable assurance cannot be provided that the continuance of mining operations under such conditions will not result in an imminent danger, he shall determine the area throughout which such conditions exist, and thereupon issue a notice to the operator of the mine or his agent of such conditions, and shall file a copy thereof, incorporating his findings therein, with the Secretary and with the representative of the miners of such mine. Upon receipt of such copy, the Secretary shall cause such further investigation to be made as he deems appropriate, including an opportunity for the operator or a representative of the miners to present information relating to such notice.

(2) Upon the conclusion of such investigation and an opportunity for a public hearing upon request by any interested party, the Secretary shall make findings of fact, and shall by decision incorporating such findings therein, either cancel the notice issued under this subsection or issue an order requiring the operator of such mine to cause all persons in the area affected, except those persons referred to in subsection (d) of this section, to be withdrawn from, and be prohibited from entering, such area until the Secretary, after a public hearing affording all interested persons an opportunity to present their views, determines that such conditions have been abated. Any hearing under this paragraph shall be of record and shall be subject to section 554 of title 5 of the United States Code.

(i) If, based upon samples taken and analyzed and recorded pursuant to section 202(a) of this Act, or samples taken during an inspection by an authorized representative of the Secretary, the applicable limit on the concentration of respirable dust required to be maintained under this Act is exceeded and thereby violated, the Secretary or his authorized representative shall issue a notice fixing a reasonable time for the abatement of the violation. During such time, the operator of

Post, p. 760.

the mine shall cause samples described in section 202(a) of this Act to be taken of the affected area during each production shift. If, upon the expiration of the period of time as originally fixed or subsequently extended, the Secretary or his authorized representative finds that the period of time should not be further extended, he shall find the extent of the area affected by the violation and shall promptly issue an order requiring the operator of such mine or his agent to cause immediately all persons, except those referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until the Secretary or his authorized representative has reason to believe, based on actions taken by the operator, that such limit will be complied with upon the resumption of production in such mine. As soon as possible after an order is issued, the Secretary, upon request of the operator, shall dispatch to the mine involved a person or team of persons, to the extent such persons are available, who are knowledgeable in the methods and means of controlling and reducing respirable dust. Such person or team of persons shall remain at the mine involved for such time as they shall deem appropriate to assist the operator in reducing respirable dust concentrations. While at the mine, such persons may require the operator to take such actions as they deem appropriate to insure the health of any person in the coal mine.

REVIEW BY THE SECRETARY

Sec. 105. (a) (1) An operator issued an order pursuant to the provisions of section 104 of this title, or any representative of miners in any mine affected by such order or by any modification or termination of such order, may apply to the Secretary for review of the order within thirty days of receipt thereof or within thirty days of its modification or termination. An operator issued a notice pursuant to section 104(b) or (i) of this title, or any representative of miners in any mine affected by such notice, may, if he believes that the period of time fixed in such notice for the abatement of the violation is unreasonable, apply to the Secretary for review of the notice within thirty days of the receipt thereof. The applicant shall send a copy of such application to the representative of miners in the affected mine, or the operator, as appropriate. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing, at the request of the operator or the representative of miners in such mine, to enable the operator and the representative of miners in such mine to present information relating to the issuance and continuance of such order or the modification or termination thereof or to the time fixed in such notice. The filing of an application for review under this subsection shall not operate as a stay of any order or notice.

Hearing.

(2) The operator and the representative of the miners shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

80 Stat. 384.

(b) Upon receiving the report of such investigation, the Secretary shall make findings of fact, and he shall issue a written decision, incorporating therein an order vacating, affirming, modifying, or terminating the order, or the modification or termination of such order, or the notice, complained of and incorporate his findings therein.

(c) In view of the urgent need for prompt decision of matters submitted to the Secretary under this section, all actions which the Secretary takes under this section shall be taken as promptly as practicable, consistent with adequate consideration of the issues involved.

(d) Pending completion of the investigation required by this section, the applicant may file with the Secretary a written request that the Secretary grant temporary relief (1) from any modification or termination of any order, or (2) from any order issued under section 104 of this title, except an order issued under section 104(a) of this title, together with a detailed statement giving reasons for granting such relief. The Secretary may grant such relief, under such conditions as he may prescribe, if—

- (1) a hearing has been held in which all parties were given an opportunity to be heard;
- (2) the applicant shows that there is substantial likelihood that the findings of the Secretary will be favorable to the applicant; and
- (3) such relief will not adversely affect the health and safety of miners in the coal mine.

No temporary relief shall be granted in the case of a notice issued under section 104 (b) or (i) of this title.

JUDICIAL REVIEW

SEC. 106. (a) Any order or decision issued by the Secretary or the Panel under this Act, except an order or decision under section 109(a) of this Act, shall be subject to judicial review by the United States court of appeals for the circuit in which the affected mine is located, or the United States Court of Appeals for the District of Columbia Circuit, upon the filing in such court within thirty days from the date of such order or decision of a petition by any person aggrieved by the order or decision praying that the order or decision be modified or set aside in whole or in part, except that the court shall not consider such petition unless such person has exhausted the administrative remedies available under this Act. A copy of the petition shall forthwith be sent by registered or certified mail to the other party and to the Secretary or the Panel, and thereupon the Secretary or the Panel shall certify and file in such court the record upon which the order or decision complained of was issued, as provided in section 2112 of title 28, United States Code.

72 Stat. 941;
80 Stat. 1323.

(b) The court shall hear such petition on the record made before the Secretary or the Panel. The findings of the Secretary or the Panel, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any order or decision or may remand the proceedings to the Secretary or the Panel for such further action as it may direct.

(c) (1) In the case of a proceeding to review any order or decision issued by the Secretary under this Act, except an order or decision pertaining to an order issued under section 104(a) of this title or an order or decision pertaining to a notice issued under section 104 (b) or (i) of this title, the court may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceeding if—

(A) all parties to the proceeding have been notified and given an opportunity to be heard on a request for temporary relief;

(B) the person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceeding; and

(C) such relief will not adversely affect the health and safety of miners in the coal mine.

(2) In the case of a proceeding to review any order or decision issued by the Panel under this Act, the court may, under such condi-

tions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceeding if—

(A) all parties to the proceeding have been notified and given an opportunity to be heard on a request for temporary relief; and

(B) the person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceeding.

(d) The judgment of the court shall be subject to review only by the Supreme Court of the United States upon a writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

(e) The commencement of a proceeding under this section shall not, unless specifically ordered by the court, operate as a stay of the order or decision of the Secretary or the Panel.

(f) Subject to the direction and control of the Attorney General, as provided in section 507(b) of title 28 of the United States Code, attorneys appointed by the Secretary may appear for and represent him in any proceeding instituted under this section.

62 Stat. 928.

62 Stat. 910;
80 Stat. 663.
28 USC 507
note.

POSTING OF NOTICES, ORDERS, AND DECISIONS

SEC. 107. (a) At each coal mine there shall be maintained an office with a conspicuous sign designating it as the office of the mine, and a bulletin board at such office or at some conspicuous place near an entrance of the mine, in such manner that notices, orders, and decisions required by law or regulation to be posted on the mine bulletin board may be posted thereon, be easily visible to all persons desiring to read them, and be protected against damage by weather and against unauthorized removal. A copy of any notice, order, or decision required by this title to be given to an operator shall be delivered to the office of the affected mine, and a copy shall be immediately posted on the bulletin board of such mine by the operator or his agent.

(b) The Secretary shall cause a copy of any notice, order, or decision required by this Act to be given to an operator to be mailed immediately to a representative of the miners in the affected mine, and to the public official or agency of the State charged with administering State laws, if any, relating to health or safety in such mine. Such notice, order, or decision shall be available for public inspection.

(c) In order to insure prompt compliance with any notice, order, or decision issued under this Act, the authorized representative of the Secretary may deliver such notice, order, or decision to an agent of the operator and such agent shall immediately take appropriate measures to insure compliance with such notice, order, or decision.

(d) Each operator of a coal mine shall file with the Secretary the name and address of such mine and the name and address of the person who controls or operates the mine. Any revisions in such names or addresses shall be promptly filed with the Secretary. Each operator of a coal mine shall designate a responsible official at such mine as the principal officer in charge of health and safety at such mine and such official shall receive a copy of any notice, order, or decision issued under this Act affecting such mine. In any case, where the coal mine is subject to the control of any person not directly involved in the daily operations of the coal mine, there shall be filed with the Secretary the name and address of such person and the name and address of a principal official of such person who shall have overall responsibility for the conduct of an effective health and safety program at any coal mine subject to the control of such person and such official shall

receive a copy of any notice, order, or decision issued affecting any such mine. The mere designation of a health and safety official under this subsection shall not be construed as making such official subject to any penalty under this Act.

INJUNCTIONS

SEC. 108. The Secretary may institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which a coal mine is located or in which the operator of such mine has his principal office, whenever such operator or his agent (a) violates or fails or refuses to comply with any order or decision issued under this Act, or (b) interferes with, hinders, or delays the Secretary or his authorized representative, or the Secretary of Health, Education, and Welfare or his authorized representative, in carrying out the provisions of this Act, or (c) refuses to admit such representatives to the mine, or (d) refuses to permit the inspection of the mine, or the investigation of an accident or occupational disease occurring in, or connected with, such mine, or (e) refuses to furnish any information or report requested by the Secretary or the Secretary of Health, Education, and Welfare in furtherance of the provisions of this Act, or (f) refuses to permit access to, and copying of, such records as the Secretary or the Secretary of Health, Education, and Welfare determines necessary in carrying out the provisions of this Act. Each court shall have jurisdiction to provide such relief as may be appropriate. Temporary restraining orders shall be issued in accordance with Rule 65 of the Federal Rules of Civil Procedure, as amended, except that the time limit in such orders, when issued without notice, shall be seven days from the date of entry. Except as otherwise provided herein, any relief granted by the court to enforce an order under clause (a) of this section shall continue in effect until the completion or final termination of all proceedings for review of such order under this title, unless, prior thereto, the district court granting such relief sets it aside or modifies it. In actions under this section, subject to the direction and control of the Attorney General, as provided in section 507(b) of title 28 of the United States Code, attorneys appointed by the Secretary may appear for and represent him. In any action instituted under this section to enforce an order or decision issued by the Secretary after a public hearing in accordance with section 554 of title 5 of the United States Code, the findings of the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

28 USC app.

62 Stat. 910;
80 Stat. 663.
28 USC 507
note.

80 Stat. 384.

Post, p. 792.

PENALTIES

SEC. 109. (a) (1) The operator of a coal mine in which a violation occurs of a mandatory health or safety standard or who violates any other provision of this Act, except the provisions of title 4, shall be assessed a civil penalty by the Secretary under paragraph (3) of this subsection which penalty shall not be more than \$10,000 for each such violation. Each occurrence of a violation of a mandatory health or safety standard may constitute a separate offense. In determining the amount of the penalty, the Secretary shall consider the operator's history of previous violations, the appropriateness of such penalty to

the size of the business of the operator charged, whether the operator was negligent, the effect on the operator's ability to continue in business, the gravity of the violation, and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of a violation.

(2) Any miner who willfully violates the mandatory safety standards relating to smoking or the carrying of smoking materials, matches, or lighters shall be subject to a civil penalty assessed by the Secretary under paragraph (3) of this subsection, which penalty shall not be more than \$250 for each occurrence of such violation.

(3) A civil penalty shall be assessed by the Secretary only after the person charged with a violation under this Act has been given an opportunity for a public hearing and the Secretary has determined, by decision incorporating his findings of fact therein, that a violation did occur, and the amount of the penalty which is warranted, and incorporating, when appropriate, an order therein requiring that the penalty be paid. Where appropriate, the Secretary shall consolidate such hearings with other proceedings under section 105 of this title. Any hearing under this section shall be of record and shall be subject to section 554 of title 5 of the United States Code.

(4) If the person against whom a civil penalty is assessed fails to pay the penalty within the time prescribed in such order, the Secretary shall file a petition for enforcement of such order in any appropriate district court of the United States. The petition shall designate the person against whom the order is sought to be enforced as the respondent. A copy of the petition shall forthwith be sent by registered or certified mail to the respondent and to the representative of the miners in the affected mine or the operator, as the case may be, and thereupon the Secretary shall certify and file in such court the record upon which such order sought to be enforced was issued. The court shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order and decision of the Secretary or it may remand the proceedings to the Secretary for such further action as it may direct. The court shall consider and determine de novo all relevant issues, except issues of fact which were or could have been litigated in review proceedings before a court of appeals under section 106 of this Act, and upon the request of the respondent, such issues of fact which are in dispute shall be submitted to a jury. On the basis of the jury's findings, the court shall determine the amount of the penalty to be imposed. Subject to the direction and control of the Attorney General, as provided in section 507(b) of title 28 of the United States Code, attorneys appointed by the Secretary may appear for and represent him in any action to enforce an order assessing civil penalties under this paragraph.

(b) Any operator who willfully violates a mandatory health or safety standard, or knowingly violates or fails or refuses to comply with any order issued under section 104 of this title, or any order incorporated in a final decision issued under this title, except an order incorporated in a decision under subsection (a) of this section or section 110(b)(2) of this title, shall, upon conviction, be punished by a fine of not more than \$25,000, or by imprisonment for not more than one year, or by both, except that if the conviction is for a violation committed after the first conviction of such operator under this Act, punishment shall be by a fine of not more than \$50,000, or by imprisonment for not more than five years, or by both.

80 Stat. 384.

62 Stat. 910;
80 Stat. 663.
28 USC 507
note.

(c) Whenever a corporate operator violates a mandatory health or safety standard or knowingly violates or fails or refuses to comply with any order issued under this Act or any order incorporated in a final decision issued under this Act, except an order incorporated in a decision issued under subsection (a) of this section or section 110 (b) (2) of this title, any director, officer, or agent of such corporation who knowingly authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the same civil penalties, fines, and imprisonment that may be imposed upon a person under subsections (a) and (b) of this section.

(d) Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Act or any order or decision issued under this Act shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than six months, or by both.

(e) Whoever knowingly distributes, sells, offers for sale, introduces, or delivers in commerce any equipment for use in a coal mine, including, but not limited to, components and accessories of such equipment, which is represented as complying with the provisions of this Act, or with any specification or regulation of the Secretary applicable to such equipment, and which does not so comply, shall, upon conviction, be subject to the same fine and imprisonment that may be imposed upon a person under subsection (d) of this section.

ENTITLEMENT OF MINERS

Compensation.

SEC. 110. (a) If a coal mine or area of a coal mine is closed by an order issued under section 104 of this title, all miners working during the shift when such order was issued who are idled by such order shall be entitled to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than the balance of such shift. If such order is not terminated prior to the next working shift, all miners on that shift who are idled by such order shall be entitled to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than four hours of such shift. If a coal mine or area of a coal mine is closed by an order issued under section 104 of this title for an unwarrantable failure of the operator to comply with any health or safety standard, all miners who are idled due to such order shall be fully compensated, after all interested parties are given an opportunity for a public hearing on such compensation and after such order is final, by the operator for lost time at their regular rates of pay for such time as the miners are idled by such closing, or for one week, whichever is the lesser. Whenever an operator violates or fails or refuses to comply with any order issued under section 104 of this Act, all miners employed at the affected mine who would be withdrawn from, or prevented from entering, such mine or area thereof as a result of such order shall be entitled to full compensation by the operator at their regular rates of pay, in addition to pay received for work performed after such order was issued, for the period beginning when such order was issued and ending when such order is complied with, vacated, or terminated.

Discrimination.

(b) (1) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any miner or any authorized representative of miners by reason of the fact that such miner or representative (A) has notified the Secretary or his authorized representative of any alleged violation or danger, (B) has

filed, instituted, or caused to be filed or instituted any proceeding under this Act, or (C) has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(2) Any miner or a representative of miners who believes that he has been discharged or otherwise discriminated against by any person in violation of paragraph (1) of this subsection may, within thirty days after such violation occurs, apply to the Secretary for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein, requiring the person committing such violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to, the rehiring or reinstatement of the miner or representative of miners to his former position with back pay. If he finds that there was no such violation, he shall issue an order denying the application. Such order shall incorporate the Secretary's findings therein. Any order issued by the Secretary under this paragraph shall be subject to judicial review in accordance with section 106 of this Act. Violations by any person of paragraph (1) of this subsection shall be subject to the provisions of sections 108 and 109(a) of this title.

(3) Whenever an order is issued under this subsection, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

80 Stat. 384.

REPORTS

SEC. 111. (a) All accidents, including unintentional roof falls (except in any abandoned panels or in areas which are inaccessible or unsafe for inspections), shall be investigated by the operator or his agent to determine the cause and the means of preventing a recurrence. Records of such accidents, roof falls, and investigations shall be kept and the information shall be made available to the Secretary or his authorized representative and the appropriate State agency. Such records shall be open for inspection by interested persons. Such records shall include man-hours worked and shall be reported for periods determined by the Secretary, but at least annually.

(b) In addition to such records as are specifically required by this Act, every operator of a coal mine shall establish and maintain such records, make such reports, and provide such information, as the Secretary may reasonably require from time to time to enable him to perform his functions under this Act. The Secretary is authorized to compile, analyze, and publish, either in summary or detailed form, such reports or information so obtained. Except to the extent other-

Records, availability.

wise specifically provided by this Act, all records, information, reports, findings, notices, orders, or decisions required or issued pursuant to or under this Act may be published from time to time, may be released to any interested person, and shall be made available for public inspection.

TITLE II—INTERIM MANDATORY HEALTH STANDARDS

COVERAGE

Post, p. 791.

SEC. 201. (a) The provisions of sections 202 through 206 of this title and the applicable provisions of section 318 of title III shall be interim mandatory health standards applicable to all underground coal mines until superseded in whole or in part by improved mandatory health standards promulgated by the Secretary under the provisions of section 101 of this Act, and shall be enforced in the same manner and to the same extent as any mandatory health standard promulgated under the provisions of section 101 of this Act. Any orders issued in the enforcement of the interim standards set forth in this title shall be subject to review as provided in title I of this Act.

Ante, p. 745.

(b) Among other things, it is the purpose of this title to provide, to the greatest extent possible, that the working conditions in each underground coal mine are sufficiently free of respirable dust concentrations in the mine atmosphere to permit each miner the opportunity to work underground during the period of his entire adult working life without incurring any disability from pneumoconiosis or any other occupation-related disease during or at the end of such period.

DUST STANDARD AND RESPIRATORY EQUIPMENT

Samples.

Publication in Federal Register.

SEC. 202. (a) Each operator of a coal mine shall take accurate samples of the amount of respirable dust in the mine atmosphere to which each miner in the active workings of such mine is exposed. Such samples shall be taken by any device approved by the Secretary and the Secretary of Health, Education, and Welfare and in accordance with such methods, at such locations, at such intervals, and in such manner as the Secretaries shall prescribe in the Federal Register within sixty days from the date of enactment of this Act and from time to time thereafter. Such samples shall be transmitted to the Secretary in a manner established by him, and analyzed and recorded by him in a manner that will assure application of the provisions of section 104(i) of this Act when the applicable limit on the concentration of respirable dust required to be maintained under this section is exceeded. The results of such samples shall also be made available to the operator. Each operator shall report and certify to the Secretary at such intervals as the Secretary may require as to the conditions in the active workings of the coal mine, including, but not limited to, the average number of working hours worked during each shift, the quantity and velocity of air regularly reaching the working faces, the method of mining, the amount and pressure of the water, if any, reaching the working faces, and the number, location, and type of sprays, if any, used.

(b) Except as otherwise provided in this subsection—

(1) Effective on the operative date of this title, each operator shall continuously maintain the average concentration of respi-

ble dust in the mine atmosphere during each shift to which each miner in the active workings of such mine is exposed at or below 3.0 milligrams of respirable dust per cubic meter of air.

(2) Effective three years after the date of enactment of this Act, each operator shall continuously maintain the average concentration of respirable dust in the mine atmosphere during each shift to which each miner in the active workings of such mine is exposed at or below 2.0 milligrams of respirable dust per cubic meter of air.

(3) Any operator who determines that he will be unable, using available technology, to comply with the provisions of paragraph (1) of this subsection, or the provisions of paragraph (2) of this subsection, as appropriate, may file with the Panel, no later than sixty days prior to the effective date of the applicable respirable dust standard established by such paragraphs, an application for a permit for noncompliance. If, in the case of an application for a permit for noncompliance with the 3.0 milligram standard established by paragraph (1) of this subsection, the application satisfies the requirements of subsection (c) of this section, the Panel shall issue a permit for noncompliance to the operator. If, in the case of an application for a permit for noncompliance with the 2.0 milligram standard established by paragraph (2) of this subsection, the application satisfies the requirements of subsection (c) of this section and the Panel determines that the applicant will be unable to comply with such standard, the Panel shall issue to the operator a permit for noncompliance.

Noncompliance permit.

(4) In any case in which an operator, who has been issued a permit (including a renewal permit) for noncompliance under this section, determines, not more than ninety days prior to the expiration date of such permit, that he still is unable to comply with the standard established by paragraph (1) of this subsection or the standard established by paragraph (2) of this subsection, as appropriate, he may file with the Panel an application for renewal of the permit. Upon receipt of such application, the Panel, if it determines, after all interested persons have been notified and given an opportunity for a public hearing under section 5 of this Act, that the application is in compliance with the provisions of subsection (c) of this section, and that the applicant will be unable to comply with such standard, may renew the permit.

Permit renewal.

(5) Any such permit or renewal thereof so issued shall be in effect for a period not to exceed one year and shall entitle the permittee during such period to maintain continuously the average concentration of respirable dust in the mine atmosphere during each shift in the working places of such mine to which the permit applies at a level specified by the Panel, which shall be at the lowest level which the application shows the conditions, technology applicable to such mine, and other available and effective control techniques and methods will permit, but in no event shall such level exceed 4.5 milligrams of dust per cubic meter of air during the period when the 3.0 milligram standard is in effect, or 3.0 milligrams of dust per cubic meter of air during the period when the 2.0 milligram standard is in effect.

Ante, p. 744.

Permit termination.

(6) No permit or renewal thereof for noncompliance shall

entitle any operator to an extension of time beyond eighteen months from the date of enactment of this Act to comply with the 3.0 milligram standard established by paragraph (1) of this subsection, or beyond seventy-two months from the date of enactment of this Act to comply with the 2.0 milligram standard established by paragraph (2) of this subsection.

(c) Any application for an initial or renewal permit made pursuant to this section shall contain—

(1) a representation by the applicant and the engineer conducting the survey referred to in paragraph (2) of this subsection that the applicant is unable to comply with the standard applicable under subsection (b)(1) or (b)(2) of this section at specified working places because the technology for reducing the concentration of respirable dust at such places is not available, or because of the lack of other effective control techniques or methods, or because of any combination of such reasons;

(2) an identification of the working places in such mine for which the permit is requested; the results of an engineering survey by a certified engineer of the respirable dust conditions of each working place of the mine with respect to which such application is filed and the ability to reduce such dust to the level required to be maintained in such place under this section; a description of the ventilation system of the mine and its capacity; the quantity and velocity of air regularly reaching the working faces; the method of mining; the amount and pressure of the water, if any, reaching the working faces; the number, location, and type of sprays, if any; action taken to reduce such dust; and such other information as the Panel may require; and

(3) statements by the applicant and the engineer conducting such survey, of the means and methods to be employed to achieve compliance with the applicable standard, the progress made toward achieving compliance, and an estimate of when compliance can be achieved.

(d) Beginning six months after the operative date of this title and from time to time thereafter, the Secretary of Health, Education, and Welfare shall establish, in accordance with the provisions of section 101 of this Act, a schedule reducing the average concentration of respirable dust in the mine atmosphere during each shift to which each miner in the active workings is exposed below the levels established in this section to a level of personal exposure which will prevent new incidences of respiratory disease and the further development of such disease in any person. Such schedule shall specify the minimum time necessary to achieve such levels taking into consideration present and future advancements in technology to reach these levels.

(e) References to concentrations of respirable dust in this title means the average concentration of respirable dust if measured with an MRE instrument or such equivalent concentrations if measured with another device approved by the Secretary and the Secretary of Health, Education, and Welfare. As used in this title, the term "MRE instrument" means the gravimetric dust sampler with four channel horizontal elutriator developed by the Mining Research Establishment of the National Coal Board, London, England.

(f) For the purpose of this title, the term "average concentration" means a determination which accurately represents the atmospheric conditions with regard to respirable dust to which each miner in the active workings of a mine is exposed (1) as measured, during the 18

*Reduction
schedule, estab-
lishment.*

Ante, p. 745.

*"MRE instru-
ment."*

*"Average con-
centration."*

month period following the date of enactment of this Act, over a number of continuous production shifts to be determined by the Secretary and the Secretary of Health, Education, and Welfare, and (2) as measured thereafter, over a single shift only, unless the Secretary and the Secretary of Health, Education, and Welfare find, in accordance with the provisions of section 101 of this Act, that such single shift measurement will not, after applying valid statistical techniques to such measurement, accurately represent such atmospheric conditions during such shift.

(g) The Secretary shall cause to be made such frequent spot inspections as he deems appropriate of the active workings of coal mines for the purpose of obtaining compliance with the provisions of this title.

(h) Respiratory equipment approved by the Secretary and the Secretary of Health, Education, and Welfare shall be made available to all persons whenever exposed to concentrations of respirable dust in excess of the levels required to be maintained under this Act. Use of respirators shall not be substituted for environmental control measures in the active workings. Each operator shall maintain a supply of respiratory equipment adequate to deal with occurrences of concentrations of respirable dust in the mine atmosphere in excess of the levels required to be maintained under this Act.

Ante, p. 745.

*Spot inspec-
tions.*

MEDICAL EXAMINATIONS

SEC. 203. (a) The operator of a coal mine shall cooperate with the Secretary of Health, Education, and Welfare in making available to each miner working in a coal mine the opportunity to have a chest roentgenogram within eighteen months after the date of enactment of this Act, a second chest roentgenogram within three years thereafter, and subsequent chest roentgenograms at such intervals thereafter of not to exceed five years as the Secretary of Health, Education, and Welfare prescribes. Each worker who begins work in a coal mine for the first time shall be given, as soon as possible after commencement of his employment, and again three years later if he is still engaged in coal mining, a chest roentgenogram; and in the event the second such chest roentgenogram shows evidence of the development of pneumoconiosis the worker shall be given, two years later if he is still engaged in coal mining, an additional chest roentgenogram. All chest roentgenograms shall be given in accordance with specifications prescribed by the Secretary of Health, Education, and Welfare and shall be supplemented by such other tests as the Secretary of Health, Education, and Welfare deems necessary. The films shall be read and classified in a manner to be prescribed by the Secretary of Health, Education, and Welfare, and the results of each reading on each such person and of such tests shall be submitted to the Secretary and to the Secretary of Health, Education, and Welfare, and, at the request of the miner, to his physician. The Secretary shall also submit such results to such miner and advise him of his rights under this Act related thereto. Such specifications, readings, classifications, and tests shall, to the greatest degree possible, be uniform for all coal mines and miners in such mines.

(b) (1) On and after the operative date of this title, any miner who, in the judgment of the Secretary of Health, Education, and Welfare based upon such reading or other medical examinations, shows

evidence of the development of pneumoconiosis shall be afforded the option of transferring from his position to another position in any area of the mine, for such period or periods as may be necessary to prevent further development of such disease, where the concentration of respirable dust in the mine atmosphere is not more than 2.0 milligrams of dust per cubic meter of air.

(2) Effective three years after the date of enactment of this Act, any miner who, in the judgment of the Secretary of Health, Education, and Welfare based upon such reading or other medical examinations, shows evidence of the development of pneumoconiosis shall be afforded the option of transferring from his position to another position in any area of the mine, for such period or periods as may be necessary to prevent further development of such disease, where the concentration of respirable dust in the mine atmosphere is not more than 1.0 milligrams of dust per cubic meter of air, or if such level is not attainable in such mine, to a position in such mine where the concentration of respirable dust is the lowest attainable below 2.0 milligrams per cubic meter of air.

(3) Any miner so transferred shall receive compensation for such work at not less than the regular rate of pay received by him immediately prior to his transfer.

(c) No payment may be required of any miner in connection with any examination or test given him pursuant to this title. Where such examinations or tests cannot be given, due to the lack of adequate medical or other necessary facilities or personnel, in the locality where the miner resides, arrangements shall be made to have them conducted, in accordance with the provisions of this title, in such locality by the Secretary of Health, Education, and Welfare, or by an appropriate person, agency, or institution, public or private, under an agreement or arrangement between the Secretary of Health, Education, and Welfare and such person, agency, or institution. The operator of the mine shall reimburse the Secretary of Health, Education, and Welfare, or such person, agency, or institution, as the case may be, for the cost of conducting each examination or test made, in accordance with this title, and shall pay whatever other costs are necessary to enable the miner to take such examinations or tests.

Autopsy.
Disposition of
findings.

(d) If the death of any active miner occurs in any coal mine, or if the death of any active or inactive miner occurs in any other place, the Secretary of Health, Education, and Welfare is authorized to provide for an autopsy to be performed on such miner, with the consent of his surviving widow or, if he has no such widow, then with the consent of his surviving next of kin. The results of such autopsy shall be submitted to the Secretary of Health, Education, and Welfare and, with the consent of such survivor, to the miner's physician or other interested person. Such autopsy shall be paid for by the Secretary of Health, Education, and Welfare.

DUST FROM DRILLING ROCK

SEC. 204. The dust resulting from drilling in rock shall be controlled by the use of permissible dust collectors, or by water or water with a wetting agent, or by ventilation, or by any other method or device approved by the Secretary which is at least as effective in controlling such dust. Respiratory equipment approved by the Secretary and the Secretary of Health, Education, and Welfare shall be provided per-

sons exposed for short periods to inhalation hazards from gas, dusts, fumes, or mist. When the exposure is for prolonged periods, other measures to protect such persons or to reduce the hazard shall be taken.

DUST STANDARD WHEN QUARTZ IS PRESENT

SEC. 205. In coal mining operations where the concentration of respirable dust in the mine atmosphere of any working place contains more than 5 per centum quartz, the Secretary of Health, Education, and Welfare shall prescribe an appropriate formula for determining the applicable respirable dust standard under this title for such working place and the Secretary shall apply such formula in carrying out his duties under this title.

NOISE STANDARD

SEC. 206. On and after the operative date of this title, the standards on noise prescribed under the Walsh-Healey Public Contracts Act, as amended, in effect October 1, 1969, shall be applicable to each coal mine and each operator of such mine shall comply with them. Within six months after the date of enactment of this Act, the Secretary of Health, Education, and Welfare shall establish, and the Secretary shall publish, as provided in section 101 of this Act, proposed mandatory health standards establishing maximum noise exposure levels for all underground coal mines. Beginning six months after the operative date of this title, and at intervals of at least every six months thereafter, the operator of each coal mine shall conduct, in a manner prescribed by the Secretary of Health, Education, and Welfare, tests by a qualified person of the noise level at the mine and report and certify the results to the Secretary and the Secretary of Health, Education, and Welfare. In meeting such standard under this section, the operator shall not require the use of any protective device or system, including personal devices, which the Secretary or his authorized representative finds to be hazardous or cause a hazard to the miners in such mine.

49 Stat. 2036.
41 USC 35 note.

Ante, p. 745.

TITLE III—INTERIM MANDATORY SAFETY STANDARDS FOR UNDERGROUND COAL MINES

COVERAGE

SEC. 301. (a) The provisions of sections 302 through 318 of this title shall be interim mandatory safety standards applicable to all underground coal mines until superseded in whole or in part by improved mandatory safety standards promulgated by the Secretary under the provisions of section 101 of this Act, and shall be enforced in the same manner and to the same extent as any mandatory safety standard promulgated under section 101 of this Act. Any orders issued in the enforcement of the interim standards set forth in this title shall be subject to review as provided in title I of this Act.

(b) The purpose of this title is to provide for the immediate application of mandatory safety standards developed on the basis of experience and advances in technology and to prevent newly created hazards resulting from new technology in coal mining. The Secretary shall immediately initiate studies, investigations, and research to further upgrade such standards and to develop and promulgate new and

improved standards promptly that will provide increased protection to the miners, particularly in connection with hazards from trolley wires, trolley feeder wires, and signal wires, the splicing and use of trailing cables, and in connection with improvements in vulcanizing of electric conductors, improvement in roof control measures, methane drainage in advance of mining, improved methods of measuring methane and other explosive gases and oxygen concentrations, and the use of improved underground equipment and other sources of power for such equipment.

Modifications.

(c) Upon petition by the operator or the representative of miners, the Secretary may modify the application of any mandatory safety standard to a mine if the Secretary determines that an alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard, or that the application of such standard to such mine will result in a diminution of safety to the miners in such mine. Upon receipt of such petition the Secretary shall publish notice thereof and give notice to the operator or the representative of miners in the affected mine, as appropriate, and shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing, at the request of such operator or representative or other interested party, to enable the operator and the representative of miners in such mine or other interested party to present information relating to the modification of such standard. The Secretary shall issue a decision incorporating his findings of fact therein, and send a copy thereof to the operator or the representative of the miners, as appropriate. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

(d) In any case where the provisions of sections 302 to 318, inclusive, of this title provide that certain actions, conditions, or requirements shall be carried out as prescribed by the Secretary, or the Secretary of Health, Education, and Welfare, as appropriate, the provisions of section 553 of title 5 of the United States Code shall apply unless either Secretary otherwise provides. Before granting any exception to a mandatory safety standard as authorized by this title, the findings of the Secretary or his authorized representative shall be made public and shall be available to the representative of the miners at the affected coal mine.

ROOF SUPPORT

SEC. 302. (a) Each operator shall undertake to carry out on a continuing basis a program to improve the roof control system of each coal mine and the means and measures to accomplish such system. The roof and ribs of all active underground roadways, travelways, and working places shall be supported or otherwise controlled adequately to protect persons from falls of the roof or ribs. A roof control plan and revisions thereof suitable to the roof conditions and mining system of each coal mine and approved by the Secretary shall be adopted and set out in printed form within sixty days after the operative date of this title. The plan shall show the type of support and spacing approved by the Secretary. Such plan shall be reviewed periodically, at least every six months by the Secretary, taking into consideration any falls of roof or ribs or inadequacy of support of roof or ribs. No person shall proceed beyond the last permanent sup-

port unless adequate temporary support is provided or unless such temporary support is not required under the approved roof control plan and the absence of such support will not pose a hazard to the miners. A copy of the plan shall be furnished the Secretary or his authorized representative and shall be available to the miners and their representatives.

(b) The method of mining followed in any coal mine shall not expose the miner to unusual dangers from roof falls caused by excessive widths of rooms and entries or faulty pillar recovery methods.

(c) The operator, in accordance with the approved plan, shall provide at or near each working face and at such other locations in the coal mine as the Secretary may prescribe an ample supply of suitable materials of proper size with which to secure the roof of all working places in a safe manner. Safety posts, jacks, or other approved devices shall be used to protect the workmen when roof material is being taken down, crossbars are being installed, roof boltholes are being drilled, roof bolts are being installed, and in such other circumstances as may be appropriate. Loose roof and overhanging or loose faces and ribs shall be taken down or supported. Except in the case of recovery work, supports knocked out shall be replaced promptly.

(d) When installation of roof bolts is permitted, such roof bolts shall be tested in accordance with the approved roof control plan.

(e) Roof bolts shall not be recovered where complete extractions of pillars are attempted, where adjacent to clay veins, or at the locations of other irregularities, whether natural or otherwise, that induce abnormal hazards. Where roof bolt recovery is permitted, it shall be conducted only in accordance with methods prescribed in the approved roof control plan, and shall be conducted by experienced miners and only where adequate temporary support is provided.

(f) Where miners are exposed to danger from falls of roof, face, and ribs the operator shall examine and test the roof, face, and ribs before any work or machine is started, and as frequently thereafter as may be necessary to insure safety. When dangerous conditions are found, they shall be corrected immediately.

VENTILATION

SEC. 303. (a) All coal mines shall be ventilated by mechanical ventilation equipment installed and operated in a manner approved by an authorized representative of the Secretary and such equipment shall be examined daily and a record shall be kept of such examination.

(b) All active workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flammable, explosive, noxious, and harmful gases, and dust, and smoke and explosive fumes. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be nine thousand cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be nine thousand cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be three thousand cubic feet a minute. Within three months after the operative date of this title, the Secretary shall prescribe the minimum velocity and quantity of air reaching each working face of each coal mine in order to render harmless and carry away methane and

other explosive gases and to reduce the level of respirable dust to the lowest attainable level. The authorized representative of the Secretary may require in any coal mine a greater quantity and velocity of air when he finds it necessary to protect the health or safety of miners. Within one year after the operative date of this title, the Secretary or his authorized representative shall prescribe the maximum respirable dust level in the intake aircourses in each coal mine in order to reduce such level to the lowest attainable level. In robbing areas of anthracite mines, where the air currents cannot be controlled and measurements of the air cannot be obtained, the air shall have perceptible movement.

(c) (1) Properly installed and adequately maintained line brattice or other approved devices shall be continuously used from the last open crosscut of an entry or room of each working section to provide adequate ventilation to the working faces for the miners and to remove flammable, explosive, and noxious gases, dust, and explosive fumes, unless the Secretary or his authorized representative permits an exception to this requirement, where such exception will not pose a hazard to the miners. When damaged by falls or otherwise, such line brattice or other devices shall be repaired immediately.

(2) The space between the line brattice or other approved device and the rib shall be large enough to permit the flow of a sufficient volume and velocity of air to keep the working face clear of flammable, explosive, and noxious gases, dust, and explosive fumes.

(3) Brattice cloth used underground shall be of flame-resistant material.

Pre-shift examinations.

(d) (1) Within three hours immediately preceding the beginning of any shift, and before any miner in such shift enters the active workings of a coal mine, certified persons designated by the operator of the mine shall examine such workings and any other underground area of the mine designated by the Secretary or his authorized representative. Each such examiner shall examine every working section in such workings and shall make tests in each such working section for accumulations of methane with means approved by the Secretary for detecting methane and shall make tests for oxygen deficiency with a permissible flame safety lamp or other means approved by the Secretary; examine seals and doors to determine whether they are functioning properly; examine and test the roof, face, and rib conditions in such working section; examine active roadways, travelways, and belt conveyors on which men are carried, approaches to abandoned areas, and accessible falls in such section for hazards; test by means of an anemometer or other device approved by the Secretary to determine whether the air in each split is traveling in its proper course and in normal volume and velocity; and examine for such other hazards and violations of the mandatory health or safety standards, as an authorized representative of the Secretary may from time to time require. Belt conveyors on which coal is carried shall be examined after each coal-producing shift has begun. Such mine examiner shall place his initials and the date and time at all places he examines. If such mine examiner finds a condition which constitutes a violation of a mandatory health or safety standard or any condition which is hazardous to persons who may enter or be in such area, he shall indicate such hazardous place by posting a "DANGER" sign conspicuously at all points which persons entering such hazardous place would be required to pass, and shall notify the operator of the mine. No person, other than an authorized representative of the Secretary or a State mine inspector or persons authorized by the operator to enter such place

for the purpose of eliminating the hazardous condition therein, shall enter such place while such sign is so posted. Upon completing his examination, such mine examiner shall report the results of his examination to a person, designated by the operator to receive such reports at a designated station on the surface of the mine, before other persons enter the underground areas of such mine to work in such shift. Each such mine examiner shall also record the results of his examination with ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

Records.

(2) No person (other than certified persons designated under this subsection) shall enter any underground area, except during any shift, unless an examination of such area as prescribed in this subsection has been made within eight hours immediately preceding his entrance into such area.

(e) At least once during each coal-producing shift, or more often if necessary for safety, each working section shall be examined for hazardous conditions by certified persons designated by the operator to do so. Any such condition shall be corrected immediately. If such condition creates an imminent danger, the operator shall withdraw all persons from the area affected by such condition to a safe area, except those persons referred to in section 104(d) of this Act, until the danger is abated. Such examination shall include tests for methane with a means approved by the Secretary for detecting methane and for oxygen deficiency with a permissible flame safety lamp or other means approved by the Secretary.

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(f) In addition to the pre-shift and daily examinations required by this section, examinations for hazardous conditions, including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned areas. Such weekly examination need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and the date and time at the places examined, and if any hazardous condition is found, such condition shall be reported to the operator promptly. Any hazardous condition shall be corrected immediately. If such condition creates an imminent danger, the operator shall withdraw all persons from the area affected by such condition to a safe area, except those persons referred to in section 104(d) of this Act, until such danger is abated. A record of these examinations, tests, and actions taken shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

Weekly examinations for hazardous conditions.

Records.

(g) At least once each week, a qualified person shall measure the volume of air entering the main intakes and leaving the main returns, the volume passing through the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of

Weekly ventilation examinations.

Records.

Methane examinations.

rooms, the volume and, when the Secretary so prescribes, the velocity reaching each working face, the volume being delivered to the intake end of each pillar line, and the volume at the intake and return of each split of air. A record of such measurements shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the coal mine chosen by the operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

(h) (1) At the start of each shift, tests for methane shall be made at each working place immediately before electrically operated equipment is energized. Such tests shall be made by qualified persons. If 1.0 volume per centum or more of methane is detected, electrical equipment shall not be energized, taken into, or operated in, such working place until the air therein contains less than 1.0 volume per centum of methane. Examinations for methane shall be made during the operation of such equipment at intervals of not more than twenty minutes during each shift, unless more frequent examinations are required by an authorized representative of the Secretary. In conducting such tests, such person shall use means approved by the Secretary for detecting methane.

(2) If at any time the air at any working place, when tested at a point not less than twelve inches from the roof, face, or rib, contains 1.0 volume per centum or more of methane, changes or adjustments shall be made at once in the ventilation in such mine so that such air shall contain less than 1.0 volume per centum of methane. While such changes or adjustments are underway and until they have been achieved, power to electric face equipment located in such place shall be cut off, no other work shall be permitted in such place, and due precautions shall be carried out under the direction of the operator or his agent so as not to endanger other areas of the mine. If at any time such air contains 1.5 volume per centum or more of methane, all persons, except those referred to in section 104(d) of this Act, shall be withdrawn from the area of the mine endangered thereby to a safe area, and all electric power shall be cut off from the endangered area of the mine, until the air in such working place shall contain less than 1.0 volume per centum of methane.

(i) (1) If, when tested, a split of air returning from any working section contains 1.0 volume per centum or more of methane, changes or adjustments shall be made at once in the ventilation in the mine so that such returning air shall contain less than 1.0 volume per centum of methane. Tests under this paragraph and paragraph (2) of this subsection shall be made at four-hour intervals during each shift by a qualified person designated by the operator of the mine. In making such tests, such person shall use means approved by the Secretary for detecting methane.

(2) If, when tested, a split of air returning from any working section contains 1.5 volume per centum or more of methane, all persons, except those persons referred to in section 104(d) of this Act, shall be withdrawn from the area of the mine endangered thereby to a safe area and all electric power shall be cut off from the endangered area of the mine, until the air in such split shall contain less than 1.0 volume per centum of methane.

(3) In virgin territory, if the quantity of air in a split ventilating the active workings in such territory equals or exceeds twice the minimum volume of air prescribed in subsection (b) of this section for the last open crosscut, if the air in the split returning from such workings

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does not pass over trolley wires or trolley feeder wires, and if a certified person designated by the operator is continually testing the methane content of the air in such split during mining operations in such workings, it shall be necessary to withdraw all persons, except those referred to in section 104(d) of this Act, from the area of the mine endangered thereby to a safe area and all electric power shall be cut off from the endangered area only when the air returning from such workings contains 2.0 volume per centum or more of methane.

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(j) Air which has passed by an opening of any abandoned area shall not be used to ventilate any working place in the coal mine if such air contains 0.25 volume per centum or more of methane. Examinations of such air shall be made during the pre-shift examination required by subsection (d) of this section. In making such tests, a certified person designated by the operator shall use means approved by the Secretary for detecting methane. For the purposes of this subsection, an area within a panel shall not be deemed to be abandoned until such panel is abandoned.

(k) Air that has passed through an abandoned area or an area which is inaccessible or unsafe for inspection shall not be used to ventilate any working place in any mine. No air which has been used to ventilate an area from which the pillars have been removed shall be used to ventilate any working place in a mine, except that such air, if it does not contain 0.25 volume per centum or more of methane, may be used to ventilate enough advancing working places immediately adjacent to the line of retreat to maintain an orderly sequence of pillar recovery on a set of entries.

(l) The Secretary or his authorized representative shall require, as an additional device for detecting concentrations of methane, that a methane monitor, approved as reliable by the Secretary after the operative date of this title, be installed, when available, on any electric face cutting equipment, continuous miner, longwall face equipment, and loading machine, except that no monitor shall be required to be installed on any such equipment prior to the date on which such equipment is required to be permissible under section 305(a) of this title. When installed on any such equipment, such monitor shall be kept operative and properly maintained and frequently tested as prescribed by the Secretary. The sensing device of such monitor shall be installed as close to the working face as practicable. Such monitor shall be set to deenergize automatically such equipment when such monitor is not operating properly and to give a warning automatically when the concentration of methane reaches a maximum percentage determined by an authorized representative of the Secretary which shall not be more than 1.0 volume per centum of methane. An authorized representative of the Secretary shall require such monitor to deenergize automatically equipment on which it is installed when the concentration of methane reaches a maximum percentage determined by such representative which shall not be more than 2.0 volume per centum of methane.

Methane moni-
tor.

Post, p. 775.

(m) Idle and abandoned areas shall be inspected for methane and for oxygen deficiency and other dangerous conditions by a certified person with means approved by the Secretary as soon as possible but not more than three hours before other persons are permitted to enter or work in such areas. Persons, such as pumpmen, who are required regularly to enter such areas in the performance of their duties, and who are trained and qualified in the use of means approved by the

Secretary for detecting methane and in the use of a permissible flame safety lamp or other means approved by the Secretary for detecting oxygen deficiency are authorized to make such examinations for themselves, and each such person shall be properly equipped and shall make such examinations upon entering any such area.

(n) Immediately before an intentional roof fall is made, pillar workings shall be examined by a qualified person designated by the operator to ascertain whether methane is present. Such person shall use means approved by the Secretary for detecting methane. If in such examination methane is found in amounts of 1.0 volume per centum or more, such roof fall shall not be made until changes or adjustments are made in the ventilation so that the air shall contain less than 1.0 volume per centum of methane.

(o) A ventilation system and methane and dust control plan and revisions thereof suitable to the conditions and the mining system of the coal mine and approved by the Secretary shall be adopted by the operator and set out in printed form within ninety days after the operative date of this title. The plan shall show the type and location of mechanical ventilation equipment installed and operated in the mine, such additional or improved equipment as the Secretary may require, the quantity and velocity of air reaching each working face, and such other information as the Secretary may require. Such plan shall be reviewed by the operator and the Secretary at least every six months.

(p) Each operator shall provide for the proper maintenance and care of the permissible flame safety lamp or any other approved device for detecting methane and oxygen deficiency by a person trained in such maintenance, and, before each shift, care shall be taken to insure that such lamp or other device is in a permissible condition.

(q) Where areas are being pillared on the operative date of this title without bleeder entries, or without bleeder systems or an equivalent means, pillar recovery may be completed in the area, to the extent approved by an authorized representative of the Secretary, if the edges of pillar lines adjacent to active workings are ventilated with sufficient air to keep the air in open areas along the pillar lines below 1.0 volume per centum of methane.

(r) Each mechanized mining section shall be ventilated with a separate split of intake air directed by overcasts, undercasts, or the equivalent, except an extension of time, not in excess of nine months, may be permitted by the Secretary, under such conditions as he may prescribe, whenever he determines that this subsection cannot be complied with on the operative date of this title.

(s) In all underground areas of a coal mine, immediately before firing each shot or group of multiple shots and after blasting is completed, examinations for methane shall be made by a qualified person with means approved by the Secretary for detecting methane. If methane is found in amounts of 1.0 volume per centum or more, changes or adjustments shall be made at once in the ventilation so that the air shall contain less than 1.0 volume per centum of methane. No shots shall be fired until the air contains less than 1.0 volume per centum of methane.

(t) Each operator shall adopt a plan within sixty days after the operative date of this title which shall provide that when any mine fan stops, immediate action shall be taken by the operator or his agent (1) to withdraw all persons from the working sections, (2) to cut off the power in the mine in a timely manner, (3) to provide for restora-

tion of power and resumption of work if ventilation is restored within a reasonable period as set forth in the plan after the working places and other active workings where methane is likely to accumulate are reexamined by a certified person to determine if methane in amounts of 1.0 volume per centum or more exists therein, and (4) to provide for withdrawal of all persons from the mine if ventilation cannot be restored within such reasonable time. The plan and revisions thereof approved by the Secretary shall be set out in printed form and a copy shall be furnished to the Secretary or his authorized representative.

(u) Changes in ventilation which materially affect the main air current or any split thereof and which may affect the safety of persons in the coal mine shall be made only when the mine is idle. Only those persons engaged in making such changes shall be permitted in the mine during the change. Power shall be removed from the areas affected by the change before work starts to make the change and shall not be restored until the effect of the change has been ascertained and the affected areas determined to be safe by a certified person.

(v) The mine foreman shall read and countersign promptly the daily reports of the pre-shift examiner and assistant mine foremen, and he shall read and countersign promptly the weekly report covering the examinations for hazardous conditions. Where such reports disclose hazardous conditions, they shall be corrected promptly. If such conditions create an imminent danger, the operator shall withdraw all persons from, or prevent any person from entering, as the case may be, the area affected by such conditions, except those persons referred to in section 104(d) of this Act, until such danger is abated. The mine superintendent or assistant superintendent of the mine shall also read and countersign the daily and weekly reports of such persons.

Reports.

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(w) Each day, the mine foreman and each of his assistants shall enter plainly and sign with ink or indelible pencil in a book approved by the Secretary provided for that purpose a report of the condition of the mine or portion thereof under his supervision, which report shall state clearly the location and nature of any hazardous condition observed by him or reported to him during the day and what action was taken to remedy such condition. Such book shall be kept in an area on the surface of the mine chosen by the operator to minimize the danger of destruction by fire or other hazard, and shall be open for inspection by interested persons.

Daily reports.

(x) Before a coal mine is reopened after having been abandoned or declared inactive by the operator, the Secretary shall be notified, and an inspection shall be made of the entire mine by an authorized representative of the Secretary before mining operations commence.

(y) (1) In any coal mine opened after the operative date of this title, the entries used as intake and return aircourses shall be separated from belt haulage entries, and each operator of such mine shall limit the velocity of the air coursed through belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane, and such air shall not be used to ventilate active working places. Whenever an authorized representative of the Secretary finds, in the case of any coal mine opened on or prior to the operative date of this title which has been developed with more than two entries, that the conditions in the entries, other than belt haulage entries, are such as to permit adequately the coursing of intake or return air through such entries, (1) the belt haulage entries shall not be used to ventilate, unless such entries are necessary to ventilate, active working places, and (2) when the belt haulage entries are not

necessary to ventilate the active working places, the operator of such mine shall limit the velocity of the air coursed through the belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane.

(2) In any coal mine opened on or after the operative date of this title, or, in the case of a coal mine opened prior to such date, in any new working section of such mine, where trolley haulage systems are maintained and where trolley wires or trolley feeder wires are installed, an authorized representative of the Secretary shall require a sufficient number of entries or rooms as intake aircourses in order to limit, as prescribed by the Secretary, the velocity of air currents on such haulageways for the purpose of minimizing the hazards associated with fires and dust explosions in such haulageways.

(z) (1) While pillars are being extracted in any area of a coal mine, such area shall be ventilated in the manner prescribed by this section.

(2) Within nine months after the operative date of this title, all areas from which pillars have been wholly or partially extracted and abandoned areas, as determined by the Secretary or his authorized representative, shall be ventilated by bleeder entries or by bleeder systems or equivalent means, or be sealed, as determined by the Secretary or his authorized representative. When ventilation of such areas is required, such ventilation shall be maintained so as continuously to dilute, render harmless, and carry away methane and other explosive gases within such areas and to protect the active workings of the mine from the hazards of such methane and other explosive gases. Air coursed through underground areas from which pillars have been wholly or partially extracted which enters another split of air shall not contain more than 2.0 volume per centum of methane, when tested at the point it enters such other split. When sealing is required, such seals shall be made in an approved manner so as to isolate with explosion-proof bulkheads such areas from the active workings of the mine.

(3) In the case of mines opened on or after the operative date of this title, or in the case of working sections opened on or after such date in mines opened prior to such date, the mining system shall be designed in accordance with a plan and revisions thereof approved by the Secretary and adopted by such operator so that, as each working section of the mine is abandoned, it can be isolated from the active workings of the mine with explosion-proof seals or bulkheads.

COMBUSTIBLE MATERIALS AND ROCK DUSTING

SEC. 304. (a) Coal dust, including float coal dust deposited on rock-dusted surfaces, loose coal, and other combustible materials, shall be cleaned up and not be permitted to accumulate in active workings, or on electric equipment therein.

(b) Where underground mining operations in active workings create or raise excessive amounts of dust, water or water with a wetting agent added to it, or other no less effective methods approved by the Secretary or his authorized representative, shall be used to abate such dust. In working places, particularly in distances less than forty feet from the face, water, with or without a wetting agent, or other no less effective methods approved by the Secretary or his authorized representative, shall be applied to coal dust on the ribs, roof, and floor to reduce dispersibility and to minimize the explosion hazard.

(c) All underground areas of a coal mine, except those areas in which the dust is too wet or too high in incombustible content to propagate an explosion, shall be rock dusted to within forty feet of all working faces, unless such areas are inaccessible or unsafe to enter or unless the Secretary or his authorized representative permits an exception upon his finding that such exception will not pose a hazard to the miners. All crosscuts that are less than forty feet from a working face shall also be rock dusted.

(d) Where rock dust is required to be applied, it shall be distributed upon the top, floor, and sides of all underground areas of a coal mine and maintained in such quantities that the incombustible content of the combined coal dust, rock dust, and other dust shall be not less than 65 per centum, but the incombustible content in the return aircourses shall be no less than 80 per centum. Where methane is present in any ventilating current, the per centum of incombustible content of such combined dusts shall be increased 1.0 and 0.4 per centum for each 0.1 per centum of methane where 65 and 80 per centum, respectively, of incombustibles are required.

(e) Subsections (b) through (d) of this section shall not apply to underground anthracite mines.

Nonapplicability.

ELECTRICAL EQUIPMENT—GENERAL

SEC. 305. (a)(1) Effective one year after the operative date of this title—

(A) all junction or distribution boxes used for making multiple power connections inby the last open crosscut shall be permissible;

(B) all handheld electric drills, blower and exhaust fans, electric pumps, and such other low horsepower electric face equipment as the Secretary may designate within two months after the operative date of this title which are taken into or used inby the last open crosscut of any coal mine shall be permissible;

(C) all electric face equipment which is taken into or used inby the last open crosscut of any coal mine classified under any provision of law as gassy prior to the operative date of this title shall be permissible; and

(D) all other electric face equipment which is taken into or used inby the last crosscut of any coal mine, except a coal mine referred to in paragraph (2) of this subsection, which has not been classified under any provision of law as a gassy mine prior to the operative date of this title shall be permissible.

(2) Effective four years after the operative date of this title, all electric face equipment, other than equipment referred to in paragraph (1)(B) of this subsection, which is taken into or used inby the last open crosscut of any coal mine which is operated entirely in coal seams located above the watertable and which has not been classified under any provision of law as a gassy mine prior to the operative date of this title and in which one or more openings were made prior to the date of enactment of this Act, shall be permissible, except that any operator of such mine who is unable to comply with the provisions of this paragraph on such effective date may file with the Panel an application for a permit for noncompliance ninety days prior to such date. If the Panel determines, after notice to all interested persons and an opportunity for a public hearing under section 5 of this Act, that such application satisfies the provisions of paragraph (10) of this

Permit for non-compliance.

Ante, p. 744.

subsection and that such operator, despite his diligent efforts, will be unable to comply with such provisions, the Panel may issue to such operator such a permit. Such permit shall entitle the permittee to an additional extension of time to comply with the provisions of this paragraph of not to exceed twenty-four months, as determined by the Panel, from such effective date.

(3) The operator of each coal mine shall maintain in permissible condition all electric face equipment required by this subsection to be permissible which is taken into or used inby the last open crosscut of any such mine.

(4) Each operator of a coal mine shall, within two months after the operative date of this title, file with the Secretary a statement listing all electric face equipment by type and manufacturer being used by such operator in connection with mining operations in such mine as of the date of such filing, and stating whether such equipment is permissible and maintained in permissible condition or is nonpermissible on such date of filing, and, if nonpermissible, whether such nonpermissible equipment has ever been rated as permissible, and such other information as the Secretary may require.

Survey, publication.

(5) The Secretary shall promptly conduct a survey as to the total availability of new or rebuilt permissible electric face equipment and replacement parts for such equipment and, within six months after the operative date of this title, publish the results of such survey.

Permit for non-compliance.

(6) Any operator of a coal mine who is unable to comply with the provisions of paragraph (1)(D) of this subsection within one year after the operative date of this title may file with the Panel an application for a permit for noncompliance. If the Panel determines that such application satisfies the provisions of paragraph (10) of this subsection, the Panel shall issue to such operator a permit for noncompliance. Such permit shall entitle the permittee to an extension of time to comply with such provisions of paragraph (1)(D) of not to exceed twelve months, as determined by the Panel, from the date that compliance with the provisions of paragraph (1)(D) of this subsection is required.

Permit renewal.

(7) Any operator of a coal mine issued a permit under paragraph (6) of this subsection who, ninety days prior to the termination of such permit, or renewal thereof, determines that he will be unable to comply with the provisions of paragraph (1)(D) of this subsection upon the expiration of such permit may file with the Panel an application for renewal thereof. Upon receipt of such application, the Panel, if it determines, after notice to all interested persons and an opportunity for a public hearing under section 5 of this Act, that such application satisfies the provisions of paragraph (10) of this subsection and that such operator, despite his diligent efforts, will be unable to comply with the provisions of paragraph (1)(D), may renew the permit for a period not exceeding twelve months.

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(8) Any permit or renewal thereof issued pursuant to this subsection shall entitle the permittee to use such nonpermissible electric face equipment specified in the permit during the term of such permit.

Permit limitation.

(9) Permits for noncompliance issued under paragraphs (6) or (7) of this subsection shall, in the aggregate, not extend the period of noncompliance more than forty-eight months after the date of enactment of this Act.

Contents.

(10) Any application for a permit of noncompliance filed under this subsection shall contain a statement by the operator—

(A) that he is unable to comply with paragraph (1)(D) or paragraph (2) of this subsection, as appropriate, within the time prescribed;

(B) listing the nonpermissible electric face equipment being used by such operator in connection with mining operations in such mine on the operative date of this title and the date of the application by type and manufacturer for which a noncompliance permit is requested and whether such equipment had ever been rated as permissible;

(C) setting forth the actions taken from and after the operative date of this title to comply with paragraph (1)(D) or paragraph (2) of this subsection, as appropriate, together with a plan setting forth a schedule of compliance with said paragraphs for each such equipment referred to in such paragraphs and being used by the operator in connection with mining operations in such mine with respect to which such permit is requested and the means and measures to be employed to achieve compliance; and

(D) including such other information as the Panel may require.

(11) No permit for noncompliance shall be issued under this subsection for any nonpermissible electric face equipment, unless such equipment was being used by an operator in connection with the mining operations in a coal mine on the operative date of this title.

(12) Effective one year after the operative date of this title, all replacement equipment acquired for use in any mine referred to in this subsection shall be permissible and shall be maintained in a permissible condition, and in the event of any major overhaul of any item of equipment in use one year from the operative date of this title such equipment shall be put in, and thereafter maintained in, a permissible condition, unless, in the opinion of the Secretary, such equipment or necessary replacement parts are not available.

(b) A copy of any permit granted under this section shall be mailed immediately to a representative of the miners of the mine to which it pertains, and to the public official or agency of the State charged with administering State laws relating to coal mine health and safety in such mine.

(c) Any coal mine which, prior to the operative date of this title, was classed gassy under any provision of law and was required to use permissible electric face equipment and to maintain such equipment in a permissible condition shall continue to use such equipment and to maintain such equipment in such condition.

(d) All power-connection points, except where permissible power connection units are used, outby the last open crosscut shall be in intake air.

(e) The location and the electrical rating of all stationary electric apparatus in connection with the mine electric system, including permanent cables, switchgear, rectifying substations, transformers, permanent pumps and trolley wires and trolley feeder wires, and settings of all direct-current circuit breakers protecting underground trolley circuits, shall be shown on a mine map. Any changes made in a location, electric rating, or setting shall be promptly shown on the map when the change is made. Such map shall be available to an authorized representative of the Secretary and to the miners in such mine.

(f) All power circuits and electric equipment shall be deenergized before work is done on such circuits and equipment, except when

Mine map.

necessary for trouble shooting or testing. In addition, energized trolley wires may be repaired only by a person trained to perform electrical work and to maintain electrical equipment and the operator of such mine shall require that such person wear approved and tested insulated shoes and wireman's gloves. No electrical work shall be performed on low-, medium-, or high-voltage distribution circuits or equipment, except by a qualified person or by a person trained to perform electrical work and to maintain electrical equipment under the direct supervision of a qualified person. Disconnecting devices shall be locked out and suitably tagged by the persons who performed such work, except that, in cases where locking out is not possible, such devices shall be opened and suitably tagged by such persons. Locks or tags shall be removed only by the persons who installed them or, if such persons are unavailable, by persons authorized by the operator or his agent.

Electrical
equipment,
examinations.

(g) All electric equipment shall be frequently examined, tested, and properly maintained by a qualified person to assure safe operating conditions. When a potentially dangerous condition is found on electric equipment, such equipment shall be removed from service until such condition is corrected. A record of such examinations shall be kept and made available to an authorized representative of the Secretary and to the miners in such mine.

Records.

(h) All electric conductors shall be sufficient in size and have adequate current-carrying capacity and be of such construction that a rise in temperature resulting from normal operation will not damage the insulating materials.

(i) All electrical connections or splices in conductors shall be mechanically and electrically efficient, and suitable connectors shall be used. All electrical connections or splices in insulated wire shall be reinsulated at least to the same degree of protection as the remainder of the wire.

(j) Cables shall enter metal frames of motors, splice boxes, and electric compartments only through proper fittings. When insulated wires other than cables pass through metal frames the holes shall be substantially bushed with insulated bushings.

(k) All power wires (except trailing cables on mobile equipment, specially designed cables conducting high-voltage power to underground rectifying equipment or transformers, or bare or insulated ground and return wires) shall be supported on well-insulated insulators and shall not contact combustible material, roof, or ribs.

(l) Power wires and cables, except trolley wires, trolley feeder wires, and bare signal wires, shall be insulated adequately and fully protected.

(m) Automatic circuit-breaking devices or fuses of the correct type and capacity shall be installed so as to protect all electric equipment and circuits against short circuit and overloads. Three-phase motors on all electric equipment shall be provided with overload protection that will deenergize all three phases in the event that any phase is overloaded.

(n) In all main power circuits, disconnecting switches shall be installed underground within five hundred feet of the bottoms of shafts and boreholes through which main power circuits enter the underground area of the mine and within five hundred feet of all other places where main power circuits enter the underground area of the mine.

(o) All electric equipment shall be provided with switches or other controls that are safely designed, constructed, and installed.

(p) Each ungrounded, exposed power conductor that leads underground shall be equipped with suitable lightning arresters of approved type within one hundred feet of the point where the circuit enters the mine. Lightning arresters shall be connected to a low resistance grounding medium on the surface which shall be separated from neutral grounds by a distance of not less than twenty-five feet.

(q) No device for the purpose of lighting any coal mine which has not been approved by the Secretary or his authorized representative shall be permitted in such mine.

(r) An authorized representative of the Secretary may require in any mine that electric face equipment be provided with devices that will permit the equipment to be deenergized quickly in the event of an emergency.

TRAILING CABLES

SEC. 306. (a) Trailing cables used in coal mines shall meet the requirements established by the Secretary for flame-resistant cables.

(b) Short-circuit protection for trailing cables shall be provided by an automatic circuit breaker or other no less effective device approved by the Secretary of adequate current-interrupting capacity in each ungrounded conductor. Disconnecting devices used to disconnect power from trailing cables shall be plainly marked and identified and such devices shall be equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected.

(c) When two or more trailing cables junction to the same distribution center, means shall be provided to assure against connecting a trailing cable to the wrong size circuit breaker.

(d) One temporary splice may be made in any trailing cable. Such trailing cable may only be used for the next twenty-four hour period. No temporary splice shall be made in a trailing cable within twenty-five feet of the machine, except cable reel equipment. Temporary splices in trailing cables shall be made in a workmanlike manner and shall be mechanically strong and well insulated. Trailing cables or hand cables which have exposed wires or which have splices that heat or spark under load shall not be used. As used in this subsection, the term "splice" means the mechanical joining of one or more conductors that have been severed.

(e) When permanent splices in trailing cables are made, they shall be—

(1) mechanically strong with adequate electrical conductivity and flexibility;

(2) effectively insulated and sealed so as to exclude moisture; and

(3) vulcanized or otherwise treated with suitable materials to provide flame-resistant qualities and good bonding to the outer jacket.

(f) Trailing cables shall be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections. Trailing cables shall be adequately protected to prevent damage by mobile equipment.

(g) Trailing cable and power cable connections to junction boxes shall not be made or broken under load.

"Splice."

GROUNDING

SEC. 307. (a) All metallic sheaths, armors, and conduits enclosing power conductors shall be electrically continuous throughout and shall be grounded by methods approved by an authorized representative of the Secretary. Metallic frames, casings, and other enclosures of electric equipment that can become "alive" through failure of insulation or by contact with energized parts shall be grounded by methods approved by an authorized representative of the Secretary. Methods other than grounding which provide no less effective protection may be permitted by the Secretary or his authorized representative.

(b) The frames of all offtrack direct current machines and the enclosures of related detached components shall be effectively grounded, or otherwise maintained at no less safe voltages, by methods approved by an authorized representative of the Secretary.

(c) The frames of all stationary high-voltage equipment receiving power from ungrounded delta systems shall be grounded by methods approved by an authorized representative of the Secretary.

(d) High-voltage lines, both on the surface and underground, shall be deenergized and grounded before work is performed on them, except that repairs may be permitted, in the case of energized surface high-voltage lines, if such repairs are made by a qualified person in accordance with procedures and safeguards, including, but not limited to, a requirement that the operator of such mine provide, test, and maintain protective devices in making such repairs, to be prescribed by the Secretary prior to the operative date of this title.

(e) When not in use, power circuits underground shall be deenergized on idle days and idle shifts, except that rectifiers and transformers may remain energized.

UNDERGROUND HIGH-VOLTAGE DISTRIBUTION

SEC. 308. (a) High-voltage circuits entering the underground area of any coal mine shall be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained as prescribed by the Secretary. Such breakers shall be equipped with devices to provide protection against under-voltage, grounded phase, short circuit, and overcurrent.

(b) High-voltage circuits extending underground and supplying portable, mobile, or stationary high-voltage equipment shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the source transformers, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all high-voltage equipment supplied power from that circuit, except that the Secretary or his authorized representative may permit ungrounded high-voltage circuits to be extended underground to feed stationary electrical equipment if such circuits are either steel armored or installed in grounded, rigid steel conduit throughout their entire length, and upon his finding that such exception does not pose a hazard to the miners. Within one hundred feet of the point on the surface where high-voltage circuits enter the underground portion of the mine, disconnecting devices shall be installed and so equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected, except that the Secretary or his authorized representative may permit such devices to be installed at a greater distance from such area of the mine if he

determines, based on existing physical conditions, that such installation will be more accessible at a greater distance and will not pose any hazard to the miners.

(c) The grounding resistor, where required, shall be of the proper ohmic value to limit the voltage drop in the grounding circuit external to the resistor to not more than 100 volts under fault conditions. The grounding resistor shall be rated for maximum fault current continuously and insulated from ground for a voltage equal to the phase-to-phase voltage of the system.

(d) Six months after the operative date of this title, high-voltage, resistance grounded systems shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken, or other no less effective device approved by the Secretary or his authorized representative to assure such continuity, except that an extension of time, not in excess of twelve months, may be permitted by the Secretary on a mine-by-mine basis if he determines that such equipment is not available.

(e) (1) Underground high-voltage cables used in resistance grounded systems shall be equipped with metallic shields around each power conductor, with one or more ground conductors having a total cross-sectional area of not less than one-half the power conductor, and with an insulated internal or external conductor not smaller than No. 8 (AWG) for the ground continuity check circuit.

(2) All such cables shall be adequate for the intended current and voltage. Splices made in such cables shall provide continuity of all components.

(f) Couplers that are used with medium-voltage or high-voltage power circuits shall be of the three-phase type with a full metallic shell, except that the Secretary may permit, under such guidelines as he may prescribe, no less effective couplers constructed of materials other than metal. Couplers shall be adequate for the voltage and current expected. All exposed metal on the metallic couplers shall be grounded to the ground conductor in the cable. The coupler shall be constructed so that the ground check continuity conductor shall be broken first and the ground conductors shall be broken last when the coupler is being uncoupled.

(g) Single-phase loads, such as transformer primaries, shall be connected phase to phase.

(h) All underground high-voltage transmission cables shall be installed only in regularly inspected aircourses and haulageways, and shall be covered, buried, or placed so as to afford protection against damage, guarded where men regularly work or pass under them unless they are six and one-half feet or more above the floor or rail, securely anchored, properly insulated, and guarded at ends, and covered, insulated, or placed to prevent contact with trolley wires and other low-voltage circuits.

(i) Disconnecting devices shall be installed at the beginning of branch lines in high-voltage circuits and equipped or designed in such a manner that it can be determined by visual observation that the circuit is deenergized when the switches are open.

(j) Circuit breakers and disconnecting switches underground shall be marked for identification.

(k) In the case of high-voltage cables used as trailing cables, temporary splices shall not be used and all permanent splices shall be

made in accordance with section 306(e) of this title. Terminations and splices in all other high-voltage cables shall be made in accordance with the manufacturer's specifications.

(1) Frames, supporting structures, and enclosures of stationary, portable, or mobile underground high-voltage equipment and all high-voltage equipment supplying power to such equipment receiving power from resistance grounded systems shall be effectively grounded to the high-voltage ground.

(m) Power centers and portable transformers shall be deenergized before they are moved from one location to another, except that, when equipment powered by sources other than such centers or transformers is not available, the Secretary may permit such centers and transformers to be moved while energized, if he determines that another equivalent or greater hazard may otherwise be created, and if they are moved under the supervision of a qualified person, and if such centers and transformers are examined prior to such movement by such person and found to be grounded by methods approved by an authorized representative of the Secretary and otherwise protected from hazards to the miner. A record shall be kept of such examinations. High-voltage cables, other than trailing cables, shall not be moved or handled at any time while energized, except that, when such centers and transformers are moved while energized as permitted under this subsection, energized high-voltage cables attached to such centers and transformers may be moved only by a qualified person and the operator of such mine shall require that such person wear approved and tested insulated wireman's gloves.

Records.

UNDERGROUND LOW- AND MEDIUM-VOLTAGE ALTERNATING CURRENT CIRCUITS

SEC. 309. (a) Low- and medium-voltage power circuits serving three-phase alternating current equipment shall be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained as prescribed by the Secretary. Such breakers shall be equipped with devices to provide protection against undervoltage, grounded phase, short circuit, and over-current.

(b) Low- and medium-voltage three-phase alternating-current circuits used underground shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the power center, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all the electrical equipment supplied power from that circuit, except that the Secretary or his authorized representative may permit ungrounded low- and medium-voltage circuits to be used underground to feed such stationary electrical equipment if such circuits are either steel armored or installed in grounded rigid steel conduit throughout their entire length. The grounding resistor, where required, shall be of the proper ohmic value to limit the ground fault current to 25 amperes. The grounding resistor shall be rated for maximum fault current continuously and insulated from ground for a voltage equal to the phase-to-phase voltage of the system.

(c) Six months after the operative date of this title, low- and medium-voltage resistance grounded systems shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity which ground check circuit shall cause the circuit

breaker to open when either the ground or pilot check wire is broken, or other no less effective device approved by the Secretary or his authorized representative to assure such continuity, except that an extension of time, not in excess of twelve months, may be permitted by the Secretary on a mine-by-mine basis if he determines that such equipment is not available. Cable couplers shall be constructed so that the ground check continuity conductor shall be broken first and the ground conductors shall be broken last when the coupler is being uncoupled.

(d) Disconnecting devices shall be installed in conjunction with the circuit breaker to provide visual evidence that the power is disconnected. Trailing cables for mobile equipment shall contain one or more ground conductors having a cross sectional area of not less than one-half the power conductor, and, six months after the operative date of this title, an insulated conductor for the ground continuity check circuit or other no less effective device approved by the Secretary or his authorized representative to assure such continuity, except that an extension of time, not in excess of twelve months may be permitted by the Secretary on a mine-by-mine basis if he determines that such equipment is not available. Splices made in the cables shall provide continuity of all components.

(e) Single phase loads shall be connected phase to phase.

(f) Circuit breakers shall be marked for identification.

(g) Trailing cables for medium voltage circuits shall include grounding conductors, a ground check conductor, and ground metallic shields around each power conductor or a grounded metallic shield over the assembly, except that on equipment employing cable reels, cables without shields may be used if the insulation is rated 2,000 volts or more.

TROLLEY WIRES AND TROLLEY FEEDER WIRES

SEC. 310. (a) Trolley wires and trolley feeder wires shall be provided with cutout switches at intervals of not more than 2,000 feet and near the beginning of all branch lines.

(b) Trolley wires and trolley feeder wires shall be provided with overcurrent protection.

(c) Trolley wires and trolley feeder wires, high-voltage cables and transformers shall not be located inby the last open crosscut and shall be kept at least 150 feet from pillar workings.

(d) Trolley wires, trolley feeder wires, and bare signal wires shall be insulated adequately where they pass through doors and stoppings, and where they cross other power wires and cables. Trolley wires and trolley feeder wires shall be guarded adequately (1) at all points where men are required to work or pass regularly under the wires; (2) on both sides of all doors and stoppings; and (3) at man-trip stations. The Secretary or his authorized representatives shall specify other conditions where trolley wires and trolley feeder wires shall be adequately protected to prevent contact by any person, or shall require the use of improved methods to prevent such contact. Temporary guards shall be provided where trackmen and other persons work in proximity to trolley wires and trolley feeder wires.

FIRE PROTECTION

SEC. 311. (a) Each coal mine shall be provided with suitable fire-fighting equipment adapted for the size and conditions of the mine. The Secretary shall establish minimum requirements for the type,

quality, and quantity of such equipment, and the interpretations of the Secretary or the Director of the Bureau of Mines relating to such equipment in effect on the operative date of this title shall continue in effect until modified or superseded by the Secretary. After every blasting operation, an examination shall be made to determine whether fires have been started.

(b) Underground storage places for lubricating oil and grease shall be of fireproof construction. Except for specially prepared materials approved by the Secretary, lubricating oil and grease kept in all underground areas in a coal mine shall be in fireproof, closed metal containers or other no less effective containers approved by the Secretary.

(c) Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. Other underground structures installed in a coal mine as the Secretary may prescribe shall be of fireproof construction.

(d) All welding, cutting, or soldering with arc or flame in all underground areas of a coal mine shall, whenever practicable, be conducted in fireproof enclosures. Welding, cutting or soldering with arc or flame in other than a fireproof enclosure shall be done under the supervision of a qualified person who shall make a diligent search for fire during and after such operations and shall, immediately before and during such operations, continuously test for methane with means approved by the Secretary for detecting methane. Welding, cutting, or soldering shall not be conducted in air that contains 1.0 volume per centum or more of methane. Rock dust or suitable fire extinguishers shall be immediately available during such welding, cutting, or soldering.

(e) Within one year after the operative date of this title, fire suppression devices meeting specifications prescribed by the Secretary shall be installed on unattended underground equipment and suitable fire-resistant hydraulic fluids approved by the Secretary shall be used in the hydraulic systems of such equipment. Such fluids shall be used in the hydraulic systems of other underground equipment unless fire suppression devices meeting specifications prescribed by the Secretary are installed on such equipment.

(f) Deluge-type water sprays or foam generators automatically actuated by rise in temperature, or other no less effective means approved by the Secretary of controlling fire, shall be installed at main and secondary belt-conveyor drives. Where sprays or foam generators are used they shall supply a sufficient quantity of water or foam to control fires.

(g) Underground belt conveyors shall be equipped with slippage and sequence switches. The Secretary shall, within sixty days after the operative date of this title, require that devices be installed on all such belts which will give a warning automatically when a fire occurs on or near such belt. The Secretary shall prescribe a schedule for installing fire suppression devices on belt haulageways.

(h) On and after the operative date of this title, all conveyor belts acquired for use underground shall meet the requirements to be established by the Secretary for flame-resistant conveyor belts.

MAPS

SEC. 312. (a) The operator of a coal mine shall have in a fireproof repository located in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, an accurate and up-to-date map of such mine drawn on scale. Such map shall show the active workings, all pillared, worked out, and abandoned areas, except as provided in this section, entries and air-courses with the direction of airflow indicated by arrows, contour lines of all elevations, elevations of all main and cross or side entries, dip of the coalbed, escapeways, adjacent mine workings within one thousand feet, mines above or below, water pools above, and either producing or abandoned oil and gas wells located within five hundred feet of such mine and any underground area of such mine, and such other information as the Secretary may require. Such map shall identify those areas of the mine which have been pillared, worked out, or abandoned which are inaccessible or cannot be entered safely and on which no information is available. Such map shall be made or certified by a registered engineer or a registered surveyor of the State in which the mine is located. Such map shall be kept up to date by temporary notations and such map shall be revised and supplemented at intervals prescribed by the Secretary on the basis of a survey made or certified by such engineer or surveyor.

(b) The coal mine map and any revision and supplement thereof shall be available for inspection by the Secretary or his authorized representative, by coal mine inspectors of the State in which the mine is located, by miners in the mine and their representatives and by operators of adjacent coal mines and by persons owning, leasing, or residing on surface areas of such mines or areas adjacent to such mines. The operator shall furnish to the Secretary or his authorized representative and to the Secretary of Housing and Urban Development, upon request, one or more copies of such map and any revision and supplement thereof. Such map or revision and supplement thereof shall be kept confidential and its contents shall not be divulged to any other person, except to the extent necessary to carry out the provisions of this Act and in connection with the functions and responsibilities of the Secretary of Housing and Urban Development.

Availability.

(c) Whenever an operator permanently closes or abandons a coal mine, or temporarily closes a coal mine for a period of more than ninety days, he shall promptly notify the Secretary of such closure. Within sixty days of the permanent closure or abandonment of the mine, or, when the mine is temporarily closed, upon the expiration of a period of ninety days from the date of closure, the operator shall file with the Secretary a copy of the mine map revised and supplemented to the date of the closure. Such copy of the mine map shall be certified by a registered surveyor or registered engineer of the State in which the mine is located and shall be available for public inspection.

Mine closure,
notification.Mine map,
certification.

BLASTING AND EXPLOSIVES

SEC. 313. (a) Black blasting powder shall not be stored or used underground. Mudcaps (adobes) or other unconfined shots shall not be fired underground.

(b) Explosives and detonators shall be kept in separate containers until immediately before blasting. In underground anthracite mines, (1) mudcaps or other open, unconfined shake shots may be fired, if

restricted to battery starting when methane or a fire hazard is not present, and if it is otherwise impracticable to start the battery; (2) open, unconfined shake shots in pitching veins may be fired, when no methane or fire hazard is present, if the taking down of loose hanging coal by other means is too hazardous; and (3) tests for methane shall be made immediately before such shots are fired and if 1.0 volume per centum or more of methane is present, when tested, such shot shall not be made until the methane content is reduced below 1.0 volume per centum.

(c) Except as provided in this subsection, in all underground areas of a coal mine only permissible explosives, electric detonators of proper strength, and permissible blasting devices shall be used and all explosives and blasting devices shall be used in a permissible manner. Permissible explosives shall be fired only with permissible shot firing units. Only incombustible materials shall be used for stemming boreholes. The Secretary may, under such safeguards as he may prescribe, permit the firing of more than twenty shots and allow the use of non-permissible explosives in sinking shafts and slopes from the surface in rock. Nothing in this section shall prohibit the use of compressed air blasting.

(d) Explosives or detonators carried anywhere underground in a coal mine by any person shall be in containers constructed of non-conductive material, maintained in good condition, and kept closed.

(e) Explosives or detonators shall be transported in special closed containers (1) in cars moved by means of a locomotive or rope, (2) on belts, (3) in shuttle cars, or (4) in equipment designed especially to transport such explosives or detonators.

(f) When supplies of explosives and detonators for use in one or more working sections are stored underground, they shall be kept in section boxes or magazines of substantial construction with no metal exposed on the inside, located at least twenty-five feet from roadways and power wires, and in a dry, well rock-dusted location protected from falls of roof, except in pitching beds, where it is not possible to comply with the location requirement, such boxes shall be placed in niches cut into the solid coal or rock.

(g) Explosives and detonators stored in the working places shall be kept in separate closed containers which shall be located out of the line of blast and not less than fifty feet from the working face and fifteen feet from any pipeline, powerline, rail, or conveyor, except that, if kept in niches in the rib, the distance from any pipeline, powerline, rail, or conveyor shall be at least five feet. Such explosives and detonators, when stored, shall be separated by a distance of at least five feet.

HOISTING AND MANTRIPS

SEC. 314 (a) Every hoist used to transport persons at a coal mine shall be equipped with overspeed, overwind, and automatic stop controls. Every hoist handling platforms, cages, or other devices used to transport persons shall be equipped with brakes capable of stopping the fully loaded platform, cage, or other device; with hoisting cable adequately strong to sustain the fully loaded platform, cage, or other device; and have a proper margin of safety. Cages, platforms, or other devices which are used to transport persons in shafts and slopes shall be equipped with safety catches or other no less effective devices approved by the Secretary that act quickly and effectively in an emergency, and such catches shall be tested at least once every two months. Hoisting equipment, including automatic elevators, that is

used to transport persons shall be examined daily. Where persons are transported into, or out of, a coal mine by hoists, a qualified hoisting engineer shall be on duty while any person is underground, except that no such engineer shall be required for automatically operated cages, platforms, or elevators.

(b) Other safeguards adequate, in the judgment of an authorized representative of the Secretary, to minimize hazards with respect to transportation of men and materials shall be provided.

(c) Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used. An accurate and reliable indicator of the position of the cage, platform, skip, bucket, or cars shall be provided.

(d) There shall be at least two effective methods approved by the Secretary of signaling between each of the shaft stations and the hoist room, one of which shall be a telephone or speaking tube.

(e) Each locomotive and haulage car used in an underground coal mine shall be equipped with automatic brakes, where space permits. Where space does not permit automatic brakes, locomotives and haulage cars shall be subject to speed reduction gear, or other similar devices approved by the Secretary which are designed to stop the locomotives and haulage cars with the proper margin of safety.

(f) All haulage equipment acquired by an operator of a coal mine on or after one year after the operative date of this title shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on the operative date of this title shall also be so equipped within four years after the operative date of this title.

EMERGENCY SHELTERS

SEC. 315. The Secretary or an authorized representative of the Secretary may prescribe in any coal mine that rescue chambers, properly sealed and ventilated, be erected at suitable locations in the mine to which persons may go in case of an emergency for protection against hazards. Such chambers shall be properly equipped with first aid materials, an adequate supply of air and self-contained breathing equipment, an independent communication system to the surface, and proper accommodations for the persons while awaiting rescue, and such other equipment as the Secretary may require. A plan for the erection, maintenance, and revisions of such chambers and the training of the miners in their proper use shall be submitted by the operator to the Secretary for his approval.

COMMUNICATIONS

SEC. 316. Telephone service or equivalent two-way communication facilities, approved by the Secretary or his authorized representative, shall be provided between the surface and each landing of main shafts and slopes and between the surface and each working section of any coal mine that is more than one hundred feet from a portal.

MISCELLANEOUS

SEC. 317. (a) Each operator of a coal mine shall take reasonable measures to locate oil and gas wells penetrating coalbeds or any underground area of a coal mine. When located, such operator shall establish and maintain barriers around such oil and gas wells in accordance

Oil and gas wells, barriers.

with State laws and regulations, except that such barriers shall not be less than three hundred feet in diameter, unless the Secretary or his authorized representative permits a lesser barrier consistent with the applicable State laws and regulations where such lesser barrier will be adequate to protect against hazards from such wells to the miners in such mine, or unless the Secretary or his authorized representative requires a greater barrier where the depth of the mine, other geologic conditions, or other factors warrant such a greater barrier.

Boreholes.

(b) Whenever any working place approaches within fifty feet of abandoned areas in the mine as shown by surveys made and certified by a registered engineer or surveyor, or within two hundred feet of any other abandoned areas of the mine which cannot be inspected and which may contain dangerous accumulations of water or gas, or within two hundred feet of any workings of an adjacent mine, a bore-hole or boreholes shall be drilled to a distance of at least twenty feet in advance of the working face of such working place and shall be continually maintained to a distance of at least ten feet in advance of the advancing working face. When there is more than one borehole, they shall be drilled sufficiently close to each other to insure that the advancing working face will not accidentally hole through into abandoned areas or adjacent mines. Boreholes shall also be drilled not more than eight feet apart in the rib of such working place to a distance of at least twenty feet and at an angle of forty-five degrees. Such rib holes shall be drilled in one or both ribs of such working place as may be necessary for adequate protection of miners in such place.

Smoking,prohibition.

(c) No person shall smoke, carry smoking materials, matches, or lighters underground, or smoke in or around oil houses, explosives magazines, or other surface areas where such practice may cause a fire or explosion. The operator shall institute a program, approved by the Secretary, to insure that any person entering the underground area of the mine does not carry smoking materials, matches, or lighters.

Portable electric lamps.

(d) Persons underground shall use only permissible electric lamps approved by the Secretary for portable illumination. No open flame shall be permitted in the underground area of any coal mine, except as permitted under section 311(d) of this title.

Ante, p. 784.

(e) Within nine months after the operative date of this title, the Secretary shall propose the standards under which all working places in a mine shall be illuminated by permissible lighting, within eighteen months after the promulgation of such standards, while persons are working in such places.

(f) (1) Except as provided in paragraphs (2) and (3) of this subsection, at least two separate and distinct travelable passageways which are maintained to insure passage at all times of any person, including disabled persons, and which are to be designated as escape-ways, at least one of which is ventilated with intake air, shall be provided from each working section continuous to the surface escape drift opening, or continuous to the escape shaft or slope facilities to the surface, as appropriate, and shall be maintained in safe condition and properly marked. Mine openings shall be adequately protected to prevent the entrance into the underground area of the mine of surface fires, fumes, smoke, and flood water. Escape facilities approved by the Secretary or his authorized representative, properly maintained and frequently tested, shall be present at or in each escape shaft or slope to allow all persons, including disabled persons, to escape quickly to the surface in the event of an emergency.

(2) When new coal mines are opened, not more than twenty miners shall be allowed at any one time in any mine until a connection has

been made between the two mine openings, and such connections shall be made as soon as possible.

(3) When only one mine opening is available, owing to final mining of pillars, not more than twenty miners shall be allowed in such mine at any one time, and the distance between the mine opening and working face shall not exceed five hundred feet.

(4) In the case of all coal mines opened on or after the operative date of this title, and in the case of all new working sections opened on or after such date in mines opened prior to such date, the escapeway required by this section to be ventilated with intake air shall be separated from the belt and trolley haulage entries of the mine for the entire length of such entries to the beginning of each working section, except that the Secretary or his authorized representative may permit such separation to be extended for a greater or lesser distance so long as such extension does not pose a hazard to the miners.

(g) After the operative date of this title, all structures erected on the surface within one hundred feet of any mine opening shall be of fireproof construction. Unless structures existing on or prior to such date which are located within one hundred feet of any mine opening are of such construction, fire doors shall be erected at effective points in mine openings to prevent smoke or fire from outside sources endangering miners underground. These doors shall be tested at least monthly to insure effective operation. A record of such tests shall be kept in an area on the surface of the mine chosen by the operator to minimize the danger of destruction by fire or other hazard and shall be available for inspection by interested persons.

Surface structures, fireproofing.

(h) Adequate measures shall be taken to prevent methane and coal dust from accumulating in excessive concentrations in or on surface coal-handling facilities, but in no event shall methane be permitted to accumulate in concentrations in or on surface coal-handling facilities in excess of limits established for methane by the Secretary within one year after the operative date of this title. Where coal is dumped at or near air-intake openings, provisions shall be made to avoid dust from entering the mine.

(i) Every operator of a coal mine shall provide a program, approved by the Secretary, of training and retraining of both qualified and certified persons needed to carry out functions prescribed in this Act.

Training programs.

(j) An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies or cabs to protect the miners operating such equipment from roof falls and from rib and face rolls.

(k) On and after the operative date of this title, the opening of any coal mine that is declared inactive by its operator or is permanently closed or abandoned for more than ninety days, shall be sealed by the operator in a manner prescribed by the Secretary. Openings of all other mines shall be adequately protected in a manner prescribed by the Secretary to prevent entrance by unauthorized persons.

Sanitary facilities.

(l) The Secretary may require any operator to provide adequate facilities for the miners to change from the clothes worn underground, to provide for the storing of such clothes from shift to shift, and to provide sanitary and bathing facilities. Sanitary toilet facilities shall be provided in the active workings of the mine when such surface facilities are not readily accessible to the active workings.

(m) Each operator shall make arrangements in advance for obtaining emergency medical assistance and transportation for injured

Emergency medical assistance.

persons. Emergency communications shall be provided to the nearest point of assistance. Selected agents of the operator shall be trained in first aid and first aid training shall be made available to all miners. Each coal mine shall have an adequate supply of first aid equipment located on the surface, at the bottom of shafts and slopes, and at other strategic locations near the working faces. In fulfilling each of the requirements of this subsection, the operator shall meet at least minimum requirements prescribed by the Secretary of Health, Education, and Welfare. Within two months after the operative date of this title, each operator shall file with the Secretary a plan setting forth in such detail as the Secretary may require the manner in which such operator has fulfilled the requirements in this subsection.

Self-rescue device.

(n) A self-rescue device approved by the Secretary shall be made available to each miner by the operator which shall be adequate to protect such miner for one hour or longer. Each operator shall train each miner in the use of such device.

(o) The Secretary shall prescribe improved methods of assuring that miners are not exposed to atmospheres that are deficient in oxygen.

Identification check system.

(p) Each operator of a coal mine shall establish a check-in and check-out system which will provide positive identification of every person underground, and will provide an accurate record of the persons in the mine kept on the surface in a place chosen to minimize the danger of destruction by fire or other hazard. Such record shall bear a number identical to an identification check that is securely fastened to the lamp belt worn by the person underground. The identification check shall be made of a rust resistant metal of not less than sixteen gauge.

Tunnels under water.

(q) The Secretary shall require, when technologically feasible, that devices to prevent and suppress ignitions be installed on electric face cutting equipment.

Drinking water.

(r) Whenever an operator mines coal from a coal mine opened after the operative date of this title, or from any new working section of a mine opened prior to such date, in a manner that requires the construction, operation, and maintenance of tunnels under any river, stream, lake, or other body of water, that is, in the judgment of the Secretary, sufficiently large to constitute a hazard to miners, such operator shall obtain a permit from the Secretary which shall include such terms and conditions as he deems appropriate to protect the safety of miners working or passing through such tunnels from cave-ins and other hazards. Such permits shall require, in accordance with a plan to be approved by the Secretary, that a safety zone be established beneath and adjacent to such body of water. No plan shall be approved unless there is a minimum of cover to be determined by the Secretary, based on test holes drilled by the operator in a manner to be prescribed by the Secretary. No such permit shall be required in the case of any new working section of a mine which is located under any water resource reservoir being constructed by a Federal agency on the date of enactment of this Act, the operator of which is required by such agency to operate in a manner that adequately protects the safety of miners working in such section from cave-ins and other hazards.

(s) An adequate supply of potable water shall be provided for drinking purposes in the active workings of the mine, and such water shall be carried, stored, and otherwise protected in sanitary containers.

(t) Within one year after the operative date of this title, the Secretary shall propose standards for preventing explosions from explosive gases other than methane and for testing for accumulations of such gases.

DEFINITIONS

SEC. 318. For the purpose of this title and title II of this Act, the term—

Ante, p. 760.

(a) “certified” or “registered” as applied to any person means a person certified or registered by the State in which the coal mine is located to perform duties prescribed by such titles, except that, in a State where no program of certification or registration is provided or where the program does not meet at least minimum Federal standards established by the Secretary, such certification or registration shall be by the Secretary;

(b) “qualified person” means, as the context requires,

(1) an individual deemed qualified by the Secretary and designated by the operator to make tests and examinations required by this Act; and

(2) an individual deemed, in accordance with minimum requirements to be established by the Secretary, qualified by training, education, and experience, to perform electrical work, to maintain electrical equipment, and to conduct examinations and tests of all electrical equipment;

(c) “permissible” as applied to—

(1) equipment used in the operation of a coal mine, means equipment, other than permissible electric face equipment, to which an approval plate, label, or other device is attached as authorized by the Secretary and which meets specifications which are prescribed by the Secretary for the construction and maintenance of such equipment and are designed to assure that such equipment will not cause a mine explosion or a mine fire,

(2) explosives, shot firing units, or blasting devices used in such mine, means explosives, shot firing units, or blasting devices which meet specifications which are prescribed by the Secretary, and

(3) the manner of use of equipment or explosives, shot firing units, and blasting devices, means the manner of use prescribed by the Secretary;

(d) “rock dust” means pulverized limestone, dolomite, gypsum, anhydrite, shale, adobe, or other inert material, preferably light colored, 100 per centum of which will pass through a sieve having twenty meshes per linear inch and 70 per centum or more of which will pass through a sieve having two hundred meshes per linear inch; the particles of which when wetted and dried will not cohere to form a cake which will not be dispersed into separate particles by a light blast of air; and which does not contain more than 5 per centum of combustible matter or more than a total of 4 per centum of free and combined silica (SiO_2), or, where the Secretary finds that such silica concentrations are not available, which does not contain more than 5 per centum of free and combined silica;

(e) “anthracite” means coals with a volatile ratio equal to 0.12 or less;

(f) “volatile ratio” means volatile matter content divided by the volatile matter plus the fixed carbon;

(g)(1) “working face” means any place in a coal mine in which work of extracting coal from its natural deposit in the earth is performed during the mining cycle,

(2) "working place" means the area of a coal mine inby the last open crosscut,

(3) "working section" means all areas of the coal mine from the loading point of the section to and including the working faces;

(4) "active workings" means any place in a coal mine where miners are normally required to work or travel;

(h) "abandoned areas" means sections, panels, and other areas that are not ventilated and examined in the manner required for working places under section 303 of this title;

(i) "permissible" as applied to electric face equipment means all electrically operated equipment taken into or used inby the last open crosscut of an entry or a room of any coal mine the electrical parts of which, including, but not limited to, associated electrical equipment, components, and accessories, are designed, constructed, and installed, in accordance with the specifications of the Secretary, to assure that such equipment will not cause a mine explosion or mine fire, and the other features of which are designed and constructed, in accordance with the specifications of the Secretary, to prevent, to the greatest extent possible, other accidents in the use of such equipment; and the regulations of the Secretary or the Director of the Bureau of Mines in effect on the operative date of this title relating to the requirements for investigation, testing, approval, certification, and acceptance of such equipment as permissible shall continue in effect until modified or superseded by the Secretary, except that the Secretary shall provide procedures, including, where feasible, testing, approval, certification, and acceptance in the field by an authorized representative of the Secretary, to facilitate compliance by an operator with the requirements of section 305(a) of this title within the periods prescribed therein;

(j) "low voltage" means up to and including 660 volts; "medium voltage" means voltages from 661 to 1,000 volts; and "high voltage" means more than 1,000 volts;

(k) "respirable dust" means only dust particulates 5 microns or less in size; and

(l) "coal mine" includes areas of adjoining mines connected underground.

TITLE IV—BLACK LUNG BENEFITS

PART A—GENERAL

Sec. 401. Congress finds and declares that there are a significant number of coal miners living today who are totally disabled due to pneumoconiosis arising out of employment in one or more of the Nation's underground coal mines; that there are a number of survivors of coal miners whose deaths were due to this disease; and that few States provide benefits for death or disability due to this disease to coal miners or their surviving dependents. It is, therefore, the purpose of this title to provide benefits, in cooperation with the States, to coal miners who are totally disabled due to pneumoconiosis and to the surviving dependents of miners whose death was due to such disease; and to ensure that in the future adequate benefits are provided to coal miners and their dependents in the event of their death or total disability due to pneumoconiosis.

Definitions.

Sec. 402. For purposes of this title—

(a) The term "dependent" means a wife or child who is a dependent as that term is defined for purposes of section 8110 of title 5, United States Code.

(b) The term "pneumoconiosis" means a chronic dust disease of the lung arising out of employment in an underground coal mine.

(c) The term "Secretary" where used in part B means the Secretary of Health, Education, and Welfare, and where used in part C means the Secretary of Labor.

(d) The term "miner" means any individual who is or was employed in an underground coal mine.

(e) The term "widow" means the wife living with or dependent for support on the decedent at the time of his death, or living apart for reasonable cause or because of his desertion, who has not remarried.

(f) The term "total disability" has the meaning given it by regulations of the Secretary of Health, Education, and Welfare, but such regulations shall not provide more restrictive criteria than those applicable under section 223(d) of the Social Security Act.

80 Stat. 539;
81 Stat. 210.

81 Stat. 868.
42 USC 423.

PART B—CLAIMS FOR BENEFITS FILED ON OR BEFORE DECEMBER 31, 1972

SEC. 411. (a) The Secretary shall, in accordance with the provisions of this part, and the regulations promulgated by him under this part, make payments of benefits in respect of total disability of any miner due to pneumoconiosis, and in respect of the death of any miner whose death was due to pneumoconiosis.

(b) The Secretary shall by regulation prescribe standards for determining for purposes of section 411(a) whether a miner is totally disabled due to pneumoconiosis and for determining whether the death of a miner was due to pneumoconiosis. Regulations required by this subsection shall be promulgated and published in the Federal Register at the earliest practicable date after the date of enactment of this title, and in no event later than the end of the third month following the month in which this title is enacted. Such regulations may be modified or additional regulations promulgated from time to time thereafter.

Publication in
Federal Register.

(c) For purposes of this section—

(1) if a miner who is suffering or suffered from pneumoconiosis was employed for ten years or more in one or more underground coal mines there shall be a rebuttable presumption that his pneumoconiosis arose out of such employment;

(2) if a deceased miner was employed for ten years or more in one or more underground coal mines and died from a respirable disease there shall be a rebuttable presumption that his death was due to pneumoconiosis; and

(3) if a miner is suffering or suffered from a chronic dust disease of the lung which (A) when diagnosed by chest roentgenogram, yields one or more large opacities (greater than one centimeter in diameter) and would be classified in category A, B, or C in the International Classification of Radiographs of the Pneumoconioses by the International Labor Organization, (B) when diagnosed by biopsy or autopsy, yields massive lesions in the lung, or (C) when diagnosis is made by other means, would be a condition which could reasonably be expected to yield results described in clause (A) or (B) if diagnosis had been made in the manner prescribed in clause (A) or (B), then there shall be an irrebuttable presumption that he is totally disabled due to pneumoconiosis or that his death was due to pneumoconiosis, as the case may be.

(d) Nothing in subsection (c) shall be deemed to affect the applicability of subsection (a) in the case of a claim where the presumptions provided for therein are inapplicable.

SEC. 412. (a) Subject to the provisions of subsection (b) of this section, benefit payments shall be made by the Secretary under this part as follows:

(1) In the case of total disability of a miner due to pneumoconiosis, the disabled miner shall be paid benefits during the disability at a rate equal to 50 per centum of the minimum monthly payment to which a Federal employee in grade GS-2, who is totally disabled, is entitled at the time of payment under chapter 81 of title 5, United States Code.

(2) In the case of death of a miner due to pneumoconiosis or of a miner receiving benefits under this part, benefits shall be paid to his widow (if any) at the rate the deceased miner would receive such benefits if he were totally disabled.

(3) In the case of an individual entitled to benefit payments under clause (1) or (2) of this subsection who has one or more dependents, the benefit payments shall be increased at the rate of 50 per centum of such benefit payments, if such individual has one dependent, 75 per centum if such individual has two dependents, and 100 per centum if such individual has three or more dependents.

(b) Notwithstanding subsection (a), benefit payments under this section to a miner or his widow shall be reduced, on a monthly or other appropriate basis, by an amount equal to any payment received by such miner or his widow under the workmen's compensation, unemployment compensation, or disability insurance laws of his State on account of the disability of such miner, and the amount by which such payment would be reduced on account of excess earnings of such miner under section 203(b) through (l) of the Social Security Act if the amount paid were a benefit payable under section 202 of such Act.

(c) Benefits payable under this part shall be deemed not to be income for purposes of the Internal Revenue Code of 1954.

SEC. 413. (a) Except as otherwise provided in section 414 of this part, no payment of benefits shall be made under this part except pursuant to a claim filed therefor on or before December 31, 1972, in such manner, in such form, and containing such information, as the Secretary shall by regulation prescribe.

(b) In carrying out the provisions of this part, the Secretary shall to the maximum extent feasible (and consistent with the provisions of this part) utilize the personnel and procedures he uses in determining entitlement to disability insurance benefit payments under section 223 of the Social Security Act. Claimants under this part shall be reimbursed for reasonable medical expenses incurred by them in establishing their claims. For purposes of determining total disability under this part, the provisions of subsections (a), (b), (c), (d), and (g) of section 221 of such Act shall be applicable.

(c) No claim for benefits under this section shall be considered unless the claimant has also filed a claim under the applicable State workmen's compensation law prior to or at the same time his claim was filed for benefits under this section; except that the foregoing provisions of this paragraph shall not apply in any case in which the filing of a claim under such law would clearly be futile because the period within which such a claim may be filed thereunder has expired or because pneumoconiosis is not compensable under such law, or in any other situation in which, in the opinion of the Secretary, the filing of a claim would clearly be futile.

5 USC 5332
note.
80 Stat. 532.
5 USC 8101-
8193.

42 USC 403.
42 USC 402.

68A Stat. 3.
26 USC 1 et
seq.

70 Stat. 815;
81 Stat. 868.
42 USC 423.

68 Stat. 1081.
42 USC 421.

SEC. 414. (a) No claim for benefits under this part on account of total disability of a miner shall be considered unless it is filed on or before December 31, 1972, or, in the case of a claimant who is a widow, within six months after the death of her husband or by December 31, 1972, whichever is the later.

(b) No benefits shall be paid under this part after December 31, 1972, if the claim therefor was filed after December 31, 1971.

(c) No benefits under this part shall be payable for any period prior to the date a claim therefor is filed.

(d) No benefits shall be paid under this part to the residents of any State which, after the date of enactment of this Act, reduces the benefits payable to persons eligible to receive benefits under this part, under its State laws which are applicable to its general work force with regard to workmen's compensation, unemployment compensation, or disability insurance.

(e) No benefits shall be payable to a widow under this part on account of the death of a miner unless (1) benefits under this part were being paid to such miner with respect to disability due to pneumoconiosis prior to his death, or (2) the death of such miner occurred prior to January 1, 1973.

PART C—CLAIMS FOR BENEFITS AFTER DECEMBER 31, 1972

SEC. 421. (a) On and after January 1, 1973, any claim for benefits for death or total disability due to pneumoconiosis shall be filed pursuant to the applicable State workmen's compensation law, except that during any period when miners or their surviving widows are not covered by a State workmen's compensation law which provides adequate coverage for pneumoconiosis they shall be entitled to claim benefits under this part.

(b) (1) For purposes of this section, a State workmen's compensation law shall not be deemed to provide adequate coverage for pneumoconiosis during any period unless it is included in the list of State laws found by the Secretary to provide such adequate coverage during such period. The Secretary shall, no later than October 1, 1972, publish in the Federal Register a list of State workmen's compensation laws which provide adequate coverage for pneumoconiosis and shall revise and republish in the Federal Register such list from time to time, as may be appropriate to reflect changes in such State laws due to legislation or judicial or administrative interpretation.

(2) The Secretary shall include a State workmen's compensation law on such list during any period only if he finds that during such period under such law—

(A) benefits must be paid for total disability or death of a miner due to pneumoconiosis;

(B) the amount of such cash benefits is substantially equivalent to or greater than the amount of benefits prescribed by section 412(a) of this title;

(C) the standards for determining death or total disability due to pneumoconiosis are substantially equivalent to those established by section 411, and by the regulations of the Secretary of Health, Education, and Welfare promulgated thereunder;

(D) any claim for benefits on account of total disability or death of a miner due to pneumoconiosis is deemed to be timely filed if such claim is filed within three years of the discovery of total disability due to pneumoconiosis, or the date of such death, as the case may be;

Publication in
Federal Register.

(E) there are in effect provisions with respect to prior and successor operators which are substantially equivalent to the provisions contained in section 422(i) of this part; and

(F) there are applicable such other provisions, regulations or interpretations, which are consistent with the provisions contained in Public Law 803, 69th Congress (44 Stat. 1424, approved March 4, 1927), as amended, which are applicable under section 422(a), but are not inconsistent with any of the criteria set forth in subparagraphs (A) through (E) of this paragraph, as the Secretary, in accordance with regulations promulgated by him, determines to be necessary or appropriate to assure adequate compensation for total disability or death due to pneumoconiosis.

The action of the Secretary in including or failing to include any State workmen's compensation law on such list shall be subject to judicial review exclusively in the United States court of appeals for the circuit in which the State is located or the United States Court of Appeals for the District of Columbia.

SEC. 422. (a) During any period after December 31, 1972, in which a State workmen's compensation law is not included on the list published by the Secretary under section 421(b) of this part, the provisions of Public Law 803, 69th Congress (44 Stat. 1424, approved March 4, 1927), as amended (other than the provisions contained in sections 1, 2, 3, 4, 7, 8, 9, 10, 12, 13, 29, 30, 31, 32, 33, 37, 38, 41, 43, 44, 45, 46, 47, 48, 49, 50, and 51 thereof) shall (except as otherwise provided in this subsection and except as the Secretary shall by regulation otherwise provide), be applicable to each operator of an underground coal mine in such State with respect to death or total disability due to pneumoconiosis arising out of employment in such mine. In administering this part, the Secretary is authorized to prescribe in the Federal Register such additional provisions, not inconsistent with those specifically excluded by this subsection, as he deems necessary to provide for the payment of benefits by such operator to persons entitled thereto as provided in this part and thereafter those provisions shall be applicable to such operator.

(b) During any such period each such operator shall be liable for and shall secure the payment of benefits, as provided in this section and section 423 of this part.

(c) Benefits shall be paid during such period by each such operator under this section to the categories of persons entitled to benefits under section 412(a) of this title in accordance with the regulations of the Secretary and the Secretary of Health, Education, and Welfare applicable under this section: *Provided*, That, except as provided in subsection (i) of this section, no benefit shall be payable by any operator on account of death or total disability due to pneumoconiosis which did not arise, at least in part, out of employment in a mine during the period when it was operated by such operator.

(d) Benefits payable under this section shall be paid on a monthly basis and, except as otherwise provided in this section, such payments shall be equal to the amounts specified in section 412(a) of this title.

(e) No payment of benefits shall be required under this section:

(1) except pursuant to a claim filed therefor in such manner, in such form, and containing such information, as the Secretary shall by regulation prescribe;

(2) for any period prior to January 1, 1973; or

(3) for any period after seven years after the date of enactment of this Act.

(f) Any claim for benefits under this section shall be filed within three years of the discovery of total disability due to pneumoconiosis or, in the case of death due to pneumoconiosis, the date of such death.

(g) The amount of benefits payable under this section shall be reduced, on a monthly or other appropriate basis, by the amount of any compensation received under or pursuant to any Federal or State workmen's compensation law because of death or disability due to pneumoconiosis.

(h) The regulations of the Secretary of Health, Education, and Welfare promulgated under section 411 of this title shall also be applicable to claims under this section. The Secretary of Labor shall by regulation establish standards, which may include appropriate presumptions, for determining whether pneumoconiosis arose out of employment in a particular underground coal mine or mines. The Secretary may also, by regulation, establish standards for apportioning liability for benefits under this subsection among more than one operator, where such apportionment is appropriate.

(i) (1) During any period in which this section is applicable with respect to a coal mine an operator of such mine who, after the date of enactment of this title, acquired such mine or substantially all the assets thereof from a person (hereinafter referred to in this paragraph as a "prior operator") who was an operator of such mine on or after the operative date of this title shall be liable for and shall, in accordance with section 423 of this part, secure the payment of all benefits which would have been payable by the prior operator under this section with respect to miners previously employed in such mine if the acquisition had not occurred and the prior operator had continued to operate such mine.

(2) Nothing in this subsection shall relieve any prior operator of any liability under this section.

SEC. 423. (a) During any period in which a State workmen's compensation law is not included on the list published by the Secretary under section 421(b) each operator of an underground coal mine in such State shall secure the payment of benefits for which he is liable under section 422 by (1) qualifying as a self-insurer in accordance with regulations prescribed by the Secretary, or (2) insuring and keeping insured the payment of such benefits with any stock company or mutual company or association, or with any other person or fund, including any State fund, while such company, association, person or fund is authorized under the laws of any State to insure workmen's compensation.

Insurance provisions.

(b) In order to meet the requirements of clause (2) of subsection (a) of this section, every policy or contract of insurance must contain—

(1) a provision to pay benefits required under section 422, notwithstanding the provisions of the State workmen's compensation law which may provide for lesser payments;

(2) a provision that insolvency or bankruptcy of the operator or discharge therein (or both) shall not relieve the carrier from liability for such payments; and

(3) such other provisions as the Secretary, by regulation, may require.

(c) No policy or contract of insurance issued by a carrier to comply with the requirements of clause (2) of subsection (a) of this subsection shall be canceled prior to the date specified in such policy or contract for its expiration until at least thirty days have elapsed after

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Federal govern-
ment.**

notice of cancellation has been sent by registered or certified mail to the Secretary and to the operator at his last known place of business.

SEC. 424. If a totally disabled miner or a widow is entitled to benefits under section 422 and (1) an operator liable for such benefits has not obtained a policy or contract of insurance, or qualified as a self-insurer, as required by section 423, or such operator has not paid such benefits within a reasonable time, or (2) there is no operator who was required to secure the payment of such benefits, the Secretary shall pay such miner or such widow the benefits to which he or she is so entitled. In a case referred to in clause (1), the operator shall be liable to the United States in a civil action in an amount equal to the amount paid to such miner or his widow under this title.

SEC. 425. With the consent and cooperation of State agencies charged with administration of State workmen's compensation laws, the Secretary may, for the purpose of carrying out his functions and duties under section 422, utilize the services of State and local agencies and their employees and, notwithstanding any other provision of law, may advance funds to or reimburse such State and local agencies and their employees for services rendered for such purposes.

SEC. 426. (a) The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized to issue such regulations as each deems appropriate to carry out the provisions of this title. Such regulations shall be issued in conformity with section 553 of title 5 of the United States Code, notwithstanding subsection (a) thereof.

(b) Within 120 days following the convening of each session of Congress the Secretary of Health, Education, and Welfare shall submit to the Congress an annual report upon the subject matter of part B of this title, and, after January 1, 1973, the Secretary of Labor shall also submit such a report upon the subject matter of part C of this title.

(c) Nothing in this title shall relieve any operator of the duty to comply with any State workmen's compensation law, except insofar as such State law is in conflict with the provisions of this title and the Secretary by regulation, so prescribes. The provisions of any State workmen's compensation law which provide greater benefits than the benefits payable under this title shall not thereby be construed or held to be in conflict with the provisions of this title.

TITLE V—ADMINISTRATION

RESEARCH

SEC. 501. (a) The Secretary and the Secretary of Health, Education, and Welfare, as appropriate, shall conduct such studies, research, experiments, and demonstrations as may be appropriate—

(1) to improve working conditions and practices in coal mines, and to prevent accidents and occupational diseases originating in the coal-mining industry;

(2) to develop new or improved methods of recovering persons in coal mines after an accident;

(3) to develop new or improved means and methods of communication from the surface to the underground area of a coal mine;

(4) to develop new or improved means and methods of reducing concentrations of respirable dust in the mine atmosphere of active workings of the coal mine;

80 Stat. 383.
Annual report
to Congress.

(5) to develop epidemiological information to (A) identify and define positive factors involved in occupational diseases of miners, (B) provide information on the incidence and prevalence of pneumoconiosis and other respiratory ailments of miners, and (C) improve mandatory health standards;

(6) to develop techniques for the prevention and control of occupational diseases of miners, including tests for hypersusceptibility and early detection;

(7) to evaluate the effect on bodily impairment and occupational disability of miners afflicted with an occupational disease;

(8) to prepare and publish from time to time, reports on all significant aspects of occupational diseases of miners as well as on the medical aspects of injuries, other than diseases, which are revealed by the research carried on pursuant to this subsection;

(9) to study the relationship between coal mine environments and occupational diseases of miners;

(10) to develop new and improved underground equipment and other sources of power for such equipment which will provide greater safety; and

(11) for such other purposes as they deem necessary to carry out the purposes of this Act.

(b) Activities under this section in the field of coal mine health shall be carried out by the Secretary of Health, Education, and Welfare, and activities under this section in the field of coal mine safety shall be carried out by the Secretary.

(c) In carrying out the provisions for research, demonstrations, experiments, studies, training, and education under this section and sections 301(b) and 502(a) of this Act, the Secretary and the Secretary of Health, Education, and Welfare may enter into contracts with, and make grants to, public and private agencies and organizations and individuals. No research, demonstrations, or experiments shall be carried out, contracted for, sponsored, cosponsored, or authorized under authority of this Act, unless all information, uses, products, processes, patents, and other developments resulting from such research, demonstrations, or experiments will (with such exception and limitation, if any, as the Secretary or the Secretary of Health, Education, and Welfare may find to be necessary in the public interest) be available to the general public.

Contract authority.

(d) The Secretary of Health, Education, and Welfare shall also conduct studies and research into matters involving the protection of life and the prevention of diseases in connection with persons, who although not miners, work with, or around the products of, coal mines in areas outside of such mines and under conditions which may adversely affect the health and well-being of such persons.

Availability of information.

Disease prevention studies.

(e) There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out his responsibilities under this section and section 301(b) of this Act at an annual rate of not to exceed \$20,000,000 for the fiscal year ending June 30, 1970, \$25,000,000 for the fiscal year ending June 30, 1971, and \$30,000,000 for the fiscal year ending June 30, 1972, and for each succeeding fiscal year thereafter. There is authorized to be appropriated annually to the Secretary of Health, Education, and Welfare such sums as may be necessary to carry out his responsibilities under this Act. Such sums shall remain available until expended.

Appropriation.

(f) The Secretary is authorized to grant on a mine-by-mine basis an exception to any mandatory health or safety standard under this

Exceptions.

Act for the purpose of permitting, under such terms and conditions as he may prescribe, accredited educational institutions the opportunity for experimenting with new and improved techniques and equipment to improve the health and safety of miners. No such exception shall be granted unless the Secretary finds that the granting of the exception will not adversely affect the health and safety of miners and publishes his findings.

**Respiratory equipment.
Research grants.**

(g) The Secretary of Health, Education, and Welfare is authorized to make grants to any public or private agency, institution, or organization, and operators or individuals for research and experiments to develop effective respiratory equipment.

TRAINING AND EDUCATION

SEC. 502. (a) The Secretary shall expand programs for the education and training of operators and agents thereof, and miners in—

- (1) the recognition, avoidance, and prevention of accidents or unsafe or unhealthful working conditions in coal mines; and
- (2) in the use of flame safety lamps, permissible methane detectors, and other means approved by the Secretary for detecting methane and other explosive gases accurately.

(b) The Secretary shall, to the greatest extent possible, provide technical assistance to operators in meeting the requirements of this Act and in further improving the health and safety conditions and practices in coal mines.

ASSISTANCE TO STATES

Grants.

SEC. 503. (a) The Secretary, in coordination with the Secretary of Health, Education, and Welfare and the Secretary of Labor, is authorized to make grants in accordance with an application approved under this section to any State in which coal mining takes place—

- (1) to assist such State in developing and enforcing effective coal mine health and safety laws and regulations consistent with the provisions of section 506 of this Act;
- (2) to improve State workmen's compensation and occupational disease laws and programs related to coal mine employment; and
- (3) to promote Federal-State coordination and cooperation in improving the health and safety conditions in the coal mines.

(b) The Secretary shall approve any application or any modification thereof, submitted under this section by a State, through its official coal mine inspection or safety agency, which—

- (1) sets forth the programs, policies, and methods to be followed in carrying out the application in accordance with the purposes of subsection (a) of this section;
- (2) provides research and planning studies to carry out plans designed to improve State workmen's compensation and occupational disease laws and programs, as they relate to compensation to miners for occupationally caused diseases and injuries arising out of employment in any coal mine;
- (3) designates such State coal mine inspection or safety agency as the sole agency responsible for administering grants under this section throughout the State, and contains satisfactory evidence that such agency will have the authority to carry out the purposes of this section;

(4) gives assurances that such agency has or will employ an adequate and competent staff of trained inspectors qualified under the laws of such State to make coal mine inspections within such State;

(5) provides for the extension and improvement of the State program for the improvement of coal mine health and safety in the State, and provides that no advance notice of an inspection will be provided anyone;

(6) provides such fiscal control and fund accounting procedures as may be appropriate to assure proper disbursement and accounting of grants made to the States under this section;

(7) provides that the designated agency will make such reports to the Secretary in such form and containing such information as the Secretary may from time to time require;

(8) contains assurances that grants provided under this section will supplement, not supplant, existing State coal mine health and safety programs; and

(9) meets additional conditions which the Secretary may prescribe in furtherance of, and consistent with, the purposes of this section.

(c) The Secretary shall not finally disapprove any State application or modification thereof without first affording the State agency reasonable notice and opportunity for a public hearing.

Hearing opportunity.

(d) Any State aggrieved by a decision of the Secretary under subsection (b) or (c) of this section may file within thirty days from the date of such decision with the United States Court of Appeals for the District of Columbia a petition praying that such action be modified or set aside in whole or in part. The court shall hear such appeal on the record made before the Secretary. The decision of the Secretary incorporating his findings of fact therein, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or remand the proceedings to the Secretary for such further action as it directs. The filing of a petition under this subsection shall not stay the application of the decision of the Secretary, unless the court so orders. The provisions of section 106 (a), (b), and (c) of this Act shall not be applicable to this section.

Petition.

(e) Any State application or modification thereof submitted to the Secretary under this section may include a program to train State inspectors.

Inspectors, training facilities.

(f) The Secretary shall cooperate with such State in carrying out the application or modification thereof and shall, as appropriate, develop and, where appropriate, construct facilities for, and finance a program of, training of Federal and State inspectors jointly. The Secretary shall also cooperate with such State in establishing a system by which State and Federal inspection reports of coal mines located in the State are exchanged for the purpose of improving health and safety conditions in such mines.

(g) The amount granted to any coal mining State for a fiscal year under this section shall not exceed 80 per centum of the amount expended by such State in such year for carrying out such application.

(h) There is authorized to be appropriated \$3,000,000 for fiscal year 1970, and \$5,000,000 annually in each succeeding fiscal year to carry out the provisions of this section, which shall remain available until expended. The Secretary shall provide for an equitable distribution of sums appropriated for grants under this section to the States where there is an approved application.

Appropriation.

ECONOMIC ASSISTANCE

72 Stat. 387;
78 Stat. 7.
15 USC 636.

SEC. 504. (a) Section 7(b) of the Small Business Act, as amended, is amended—

(1) by striking out the period at the end of paragraph (4) and inserting in lieu thereof “; and”; and

(2) by adding after paragraph (4) a new paragraph as follows:

“(5) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern operating a coal mine in affecting additions to or alterations in the equipment, facilities, or methods of operation of such mine to requirements imposed by the Federal Coal Mine Health and Safety Act of 1969, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph.”

(b) The third sentence of section 7(b) of such Act is amended by inserting “or (5)” after “paragraph (3)”.

(c) Section 4(c)(1) of the Small Business Act, as amended, is amended by inserting “7(b) (5),” after “7(b) (4),”.

(d) Loans may also be made or guaranteed for the purposes set forth in section 7(b) (5) of the Small Business Act, as amended pursuant to the provisions of section 202 of the Public Works and Economic Development Act of 1965, as amended.

80 Stat. 132.
15 USC 633.

79 Stat. 556.
42 USC 3142.

INSPECTORS : QUALIFICATIONS : TRAINING

SEC. 505. The Secretary may, subject to the civil service laws, appoint such employees as he deems requisite for the administration of this Act and prescribe their duties. Persons appointed as authorized representatives of the Secretary shall be qualified by practical experience in the mining of coal or by experience as a practical mining engineer or by education. Persons appointed to assist such representatives in the taking of samples of respirable dust for the purpose of enforcing title II of this Act shall be qualified by training, experience, or education. The provisions of section 201 of the Revenue and Expenditure Control Act of 1968 (82 Stat. 251, 270) shall not apply with respect to the appointment of such authorized representatives of the Secretary or to persons appointed to assist such representatives and to carry out the provisions of this Act, and, in applying the provisions of such section to other agencies under the Secretary and to other agencies of the Government, such appointed persons shall not be taken into account. Such persons shall be adequately trained by the Secretary. The Secretary shall develop programs with educational institutions and operators designed to enable persons to qualify for positions in the administration of this Act. In selecting persons and training and retraining persons to carry out the provisions of this Act, the Secretary shall work with appropriate educational institutions, operators, and representatives of miners in developing and maintaining adequate programs for the training and continuing education of persons, particularly inspectors, and where appropriate, the Secretary shall cooperate with such institutions in carrying out the provisions of this section by providing financial and technical assistance to such institutions.

Ante, p. 83.
5 USC 3101
note.

EFFECT ON STATE LAWS

SEC. 506. (a) No State law in effect on the date of enactment of this Act or which may become effective thereafter shall be superseded by any provision of this Act or order issued or any mandatory health or safety standard, except insofar as such State law is in conflict with this Act or with any order issued or any mandatory health or safety standard.

(b) The provisions of any State law or regulation in effect upon the operative date of this Act, or which may become effective thereafter, which provide for more stringent health and safety standards applicable to coal mines than do the provisions of this Act or any order issued or any mandatory health or safety standard shall not thereby be construed or held to be in conflict with this Act. The provisions of any State law or regulation in effect on the date of enactment of this Act, or which may become effective thereafter, which provide for health and safety standards applicable to coal mines for which no provision is contained in this Act or in any order issued or any mandatory health or safety standard, shall not be held to be in conflict with this Act.

ADMINISTRATIVE PROCEDURES

SEC. 507. Except as otherwise provided in this Act, the provisions of sections 551-559 and sections 701-706 of title 5 of the United States Code shall not apply to the making of any order, notice, or decision made pursuant to this Act, or to any proceeding for the review thereof.

80 Stat. 381,
392.

REGULATIONS

SEC. 508. The Secretary, the Secretary of Health, Education, and Welfare, and the Panel are authorized to issue such regulations as each deems appropriate to carry out any provision of this Act.

OPERATIVE DATE AND REPEAL

SEC. 509. Except to the extent an earlier date is specifically provided in this Act, the provisions of titles I and III of this Act shall become operative ninety days after the date of enactment of this Act, and the provisions of title II of this Act shall become operative six months after the date of enactment of this Act. The provisions of the Federal Coal Mine Safety Act, as amended, are repealed on the operative date of titles I and III of this Act, except that such provisions shall continue to apply to any order, notice, decision, or finding issued under that Act prior to such operative date and to any proceedings related to such order, notice, decision or findings. All other provisions of this Act shall be effective on the date of enactment of this Act.

Repeal.
55 Stat. 177.
30 USC 451
note.

SEPARABILITY

SEC. 510. If any provision of this Act, or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

REPORTS

SEC. 511. (a) Within one hundred and twenty days following the convening of each session of Congress the Secretary shall submit through the President to the Congress and to the Office of Science and Technology an annual report upon the subject matter of this Act, the

progress concerning the achievement of its purposes, the needs and requirements in the field of coal mine health and safety, the amount and status of each loan made pursuant to this Act, a description and the anticipated cost of each project and program he has undertaken under sections 301(b) and 501, and any other relevant information, including any recommendations he deems appropriate.

(b) Within one hundred and twenty days following the convening of each session of Congress, the Secretary of Health, Education, and Welfare shall submit through the President to the Congress and to the Office of Science and Technology an annual report upon the health matters covered by this Act, including the progress toward the achievement of the health purposes of this Act, the needs and requirements in the field of coal mine health, a description and the anticipated cost of each project and program he has undertaken under sections 301(b) and 501, and any other relevant information, including any recommendations he deems appropriate. The first such report shall include the recommendations of the Secretary of Health, Education, and Welfare as to necessary mandatory health standards, including his recommendations as to the maximum permissible individual exposure to miners from respirable dust during a shift.

SPECIAL REPORT

Federal and
State coordina-
tion.

SEC. 512. (a) The Secretary shall make a study to determine the best manner to coordinate Federal and State activities in the field of coal mine health and safety so as to achieve (1) maximum health and safety protection for miners, (2) an avoidance of duplication of effort, (3) maximum effectiveness, (4) a reduction of delay to a minimum, and (5) most effective use of Federal inspectors.

(b) The Secretary shall make a report of the results of his study to the Congress as soon as practicable after the date of enactment of this Act.

JURISDICTION; LIMITATION

SEC. 513. In any proceeding in which the validity of any interim mandatory health or safety standard set forth in titles II and III of this Act is in issue, no justice, judge, or court of the United States shall issue any temporary restraining order or preliminary injunction restraining the enforcement of such standard pending a determination of such issue on its merits.

Approved December 30, 1969.

Public Law 91-174

JOINT RESOLUTION

December 30, 1969
[S. J. Res. 154]

To authorize and request the President to proclaim the month of January 1970 as "National Blood Donor Month".

National Blood
Donor Month.
Proclamation.

Erneido A.
Oliva.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the vital role of the voluntary blood donor in medical care, the President is authorized and requested to issue a proclamation designating the month of January 1970 as "National Blood Donor Month".

SEC. 2. Notwithstanding any other provision of law, the citizenship or nationality of Erneido A. Oliva shall not prohibit the Secretary of the Senate from paying compensation, for a period not to exceed six months, to the said Erneido A. Oliva while serving as an employee of the Senate.

Approved December 30, 1969.

Public Law 91-175

AN ACT

To promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes.

December 30, 1969
[H. R. 14580]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Assistance Act of 1969".

Foreign Assistance Act of 1969.

PART I—ECONOMIC ASSISTANCE

DEVELOPMENT LOAN FUND

SEC. 101. (a) Section 202(a) of the Foreign Assistance Act of 1961, relating to authorization, is amended—

82 Stat. 960.
22 USC 2162.

- (1) by striking out "and" after "fiscal year 1968,";
- (2) by inserting after "fiscal year 1969," the following: "\$350,-000,000 for the fiscal year 1970, and \$350,000,000 for the fiscal year 1971,"; and

(3) by striking out "the fiscal year ending June 30, 1969" in the second proviso and inserting in lieu thereof "each of the fiscal years ending June 30, 1970, and June 30, 1971".

(b) Section 203 of such Act, relating to fiscal provisions, is amended to read as follows:

75 Stat. 427.
22 USC 2163.

"SEC. 203. FISCAL PROVISIONS.—Dollar receipts from loans made pursuant to this part and from loans made under the Mutual Security Act of 1954, as amended, are authorized to be made available for the fiscal year 1970 and for the fiscal year 1971 for use for the purposes of this title, for loans under title VI, and for the purposes of section 232. Such receipts and other funds made available under this section shall remain available until expended."

68 Stat. 832.
22 USC 1750-1951.
75 Stat. 438.
22 USC 2351.
Post, p. 810.

TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

SEC. 102. Section 212 of such Act, relating to authorization, is amended by striking out "\$200,000,000 for the fiscal year 1969" and inserting in lieu thereof "\$183,500,000 for the fiscal year 1970, and \$183,500,000 for the fiscal year 1971".

81 Stat. 449;
82 Stat. 960.
22 USC 2172.

AMERICAN SCHOOLS AND HOSPITALS ABROAD

SEC. 103. Section 214 of such Act, relating to American schools and hospitals abroad, is amended—

82 Stat. 960.
22 USC 2174.

- (1) by striking out of subsection (c) "fiscal year 1969, \$14,600,000, to remain available until expended." and inserting in lieu thereof "fiscal year 1970, \$25,900,000, and for the fiscal year 1971, \$12,900,000, which amounts are authorized to remain available until expended. Amounts appropriated under this subsection for the fiscal year 1970 shall be available for expenditure solely in accordance with the allocations set forth on pages 25 and 26 of House Report No. 91-611 and on page 23 of Senate Report No. 91-603.;"

80 Stat. 798.

- (2) by striking out of subsection (d) "fiscal year 1969, \$5,100,000" and inserting in lieu thereof "fiscal year 1970, \$3,000,000"; and

(3) by adding at the end of subsection (d) the following new sentence: "Foreign currencies appropriated under this subsection shall be available for expenditure solely in accordance with the allocation set forth on page 23 of Senate Report No. 91-603."

**PROTOTYPE DESALTING PLANT; PROGRAMS FOR PEACEFUL
COMMUNICATION**

75 Stat. 427;
81 Stat. 450.
22 USC 2171-
2178.

SEC. 104. Title II of chapter 2 of part I, relating to technical cooperation and development grants, is amended by adding at the end thereof the following new sections:

"**SEC. 219. PROTOTYPE DESALTING PLANT.**—(a) In furtherance of the purposes of this part and for the purpose of improving existing, and developing and advancing new, technology and experience in the design, construction, and operation of large-scale desalting plants of advanced concepts which will contribute materially to low-cost desalination in all countries, including the United States, the President, if he determines it to be feasible, is authorized to participate in the development of a large-scale water treatment and desalting prototype plant and necessary appurtenances to be constructed in Israel as an integral part of a dual-purpose power generating and desalting project. Such participation shall include financial, technical, and such other assistance as the President deems appropriate to provide for the study, design, construction, and, for a limited demonstration period of not to exceed five years, operation and maintenance of the water treatment and desalting facilities of the dual-purpose project.

"(b) Any agreement entered into under subsection (a) of this section shall include such terms and conditions as the President deems appropriate to insure, among other things, that all information, products, uses, processes, patents, and other developments obtained or utilized in the development of this prototype plant will be available without further cost to the United States for the use and benefit of the United States throughout the world, and to insure that the United States, its officers, and employees have a permanent right to review data and have access to such plant for the purpose of observing its operations and improving science and technology in the field of desalination.

"(c) In carrying out the provisions of this section, the President may enter into contracts with public or private agencies and with any person without regard to sections 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529 and 41 U.S.C. 5).

"(d) Nothing in this section shall be construed as intending to deprive the owner of any background patent or any right which such owner may have under that patent.

"(e) In carrying out the provisions of this section, the President may utilize the personnel, services, and facilities of any Federal agency.

"(f) The United States costs, other than its administrative costs, for the study, design, construction, and operation of a prototype plant under this section shall not exceed either 50 per centum of the total capital costs of the facilities associated with the production of water, and 50 per centum of the operation and maintenance costs for the demonstration period, or \$20,000,000, whichever is less. There are authorized to be appropriated, subject to the limitations of this subsection, such sums as may be necessary to carry out the provisions of this section, including administrative costs thereof. Such sums are authorized to remain available until expended.

Construction
and operation.
U.S. costs.

“(g) No funds appropriated for the Office of Saline Water pursuant to the appropriation authorized by the Act of July 11, 1969 (83 Stat. 45, Public Law 91-43), or prior authorization Acts, shall be used to carry out the purposes of this section.

“SEC. 220. PROGRAMS FOR PEACEFUL COMMUNICATION.—(a) The President is authorized to use funds made available under section 212 to carry out programs of peaceful communications which make use of television and related technologies, including satellite transmissions, for educational, health, agricultural, and community development purposes in the less developed countries.

Ante, p. 805.

“(b) In carrying out programs in the fields of education, health, agriculture, and community development, the agency primarily responsible for part I shall, to the extent possible, assist the developing countries with research, training, planning assistance, and project support in the use of television and related technologies, including satellite transmissions. The agency shall make maximum use of existing satellite capabilities, including the facilities of the International Telecommunications Satellite Consortium.

75 Stat. 424;
81 Stat. 445.
22 USC 2151.

“(c) In implementing activities under this section, the agency primarily responsible for part I shall coordinate closely with Federal, State, and local agencies and with nongovernmental educational, health, and agricultural institutions and associations within the United States.”

HOUSING GUARANTIES; OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 105. Chapter 2 of part I of such Act, relating to development assistance, is amended by striking out title III and title IV and inserting in lieu thereof the following new titles:

75 Stat. 429,
432.
22 USC 2181,
2191.

“TITLE III—HOUSING GUARANTIES

“SEC. 221. WORLDWIDE HOUSING GUARANTIES.—In order to facilitate and increase the participation of private enterprise in furthering the development of the economic resources and productive capacities of less developed friendly countries and areas, and promote the development of thrift and credit institutions engaged in programs of mobilizing local savings for financing the construction of self-liquidating housing projects and related community facilities, the President is authorized to issue guaranties, on such terms and conditions as he shall determine, to eligible investors as defined in section 238(c), assuring against loss of loan investments for self-liquidating housing projects. The total face amount of guaranties issued hereunder, outstanding at any one time, shall not exceed \$130,000,000. Such guaranties shall be issued under the conditions set forth in section 222(b) and section 223.

Post, p. 816.

“SEC. 222. HOUSING PROJECTS IN LATIN AMERICAN COUNTRIES.—(a) The President shall assist in the development in the American Republics of self-liquidating housing projects, the development of institutions engaged in Alliance for Progress programs, including cooperatives, free labor unions, savings and loan type institutions, and other private enterprise programs in Latin America engaged directly or indirectly in the financing of home mortgages, the construction of homes for lower income persons and families, the increased mobilization of savings and improvement of housing conditions in Latin America.

“(b) To carry out the purposes of subsection (a), the President is authorized to issue guaranties, on such terms and conditions as he

Post, p. 816.

shall determine, to eligible investors, as defined in section 238(c), assuring against loss of loan investment made by such investors in—

“(1) private housing projects in Latin America of types similar to those insured by the Department of Housing and Urban Development and suitable for conditions in Latin America;

“(2) credit institutions in Latin America engaged directly or indirectly in the financing of home mortgages, such as savings and loan institutions and other qualified investment enterprises;

“(3) housing projects in Latin America for lower income families and persons, which projects shall be constructed in accordance with maximum unit costs established by the President for families and persons whose incomes meet the limitations prescribed by the President;

“(4) housing projects in Latin America which will promote the development of institutions important to the success of the Alliance for Progress, such as free labor unions, cooperatives, and other private enterprise programs; or

“(5) housing projects in Latin America, 25 per centum or more of the aggregate of the mortgage financing for which is made available from sources within Latin America and is not derived from sources outside Latin America, which projects shall, to the maximum extent practicable, have a unit cost of not more than \$8,500.

“(c) The total face amount of guaranties issued hereunder or heretofore under Latin American housing guaranty authority repealed by the Foreign Assistance Act of 1969, outstanding at any one time, shall not exceed \$550,000,000: *Provided*, That \$325,000,000 of such guaranties may be used only for the purposes of subsection (b)(1).

“SEC. 223. GENERAL PROVISIONS.—(a) A fee shall be charged for each guaranty issued under section 221 or section 222 in an amount to be determined by the President. In the event the fee to be charged for such type of guaranty is reduced, fees to be paid under existing contracts for the same type of guaranty may be similarly reduced.

“(b) The amount of \$50,000,000 of fees accumulated under prior investment guaranty provisions repealed by the Foreign Assistance Act of 1969, together with all fees collected in connection with guaranties issued hereunder, shall be available for meeting necessary administrative and operating expenses of carrying out the provisions of this title and of prior housing guaranty provisions repealed by the Foreign Assistance Act of 1969 (including, but not limited to expenses pertaining to personnel, supplies, and printing), subject to such limitations as may be imposed in annual appropriation Acts; for meeting management and custodial costs incurred with respect to currencies or other assets acquired under guaranties made pursuant to section 221 or section 222 or heretofore pursuant to prior Latin American and other housing guaranty authorities repealed by the Foreign Assistance Act of 1969; and to pay the cost of investigating and adjusting (including costs of arbitration) claims under such guaranties; and shall be available for expenditure in discharge of liabilities under such guaranties until such time as all such property has been disposed of and all such liabilities have been discharged or have expired, or until all such fees have been expended in accordance with the provisions of this subsection.

“(c) Any payments made to discharge liabilities under guaranties issued under section 221 or section 222 or heretofore under prior Latin American or other housing guaranty authorities repealed by the Foreign Assistance Act of 1969, shall be paid first out of fees referred to in subsection (b) (excluding amounts required for purposes other

than the discharge of liabilities under guaranties) as long as such fees are available, and thereafter shall be paid out of funds, if any, realized from the sale of currencies or other assets acquired in connection with any payment made to discharge liabilities under such guaranties as long as funds are available, and finally out of funds hereafter made available pursuant to subsection (e).

“(d) All guaranties issued under section 221 or section 222 or heretofore under prior Latin American or other housing guaranty authority repealed by the Foreign Assistance Act of 1969 shall constitute obligations, in accordance with the terms of such guaranties, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

“(e) There is hereby authorized to be appropriated to the President such amounts, to remain available until expended, as may be necessary from time to time to carry out the purposes of this title.

“(f) In the case of any loan investment guaranteed under section 221 or section 222, the agency primarily responsible for administering part I shall prescribe the maximum rate of interest allowable to the eligible investor, which maximum rate shall not be less than one-half of 1 per centum above the then current rate of interest applicable to housing mortgages insured by the Department of Housing and Urban Development. In no event shall the agency prescribe a maximum allowable rate of interest which exceeds by more than 1 per centum the then current rate of interest applicable to housing mortgages insured by such Department. The maximum allowable rate of interest under this subsection shall be prescribed by the agency as of the date the project covered by the investment is officially authorized and, prior to the execution of the contract, the agency may amend such rate at its discretion, consistent with the provisions of subsection (f).

Interest rate.

75 Stat. 424;
81 Stat. 445.
22 USC 2151.

“(g) Housing guaranties committed, authorized, or outstanding under prior housing guaranty authorities repealed by the Foreign Assistance Act of 1969 shall continue subject to provisions of law originally applicable thereto and fees collected hereafter with respect to such guaranties shall be available for the purposes specified in subsection (b).

“(h) No payment may be made under any guaranty issued pursuant to this title for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

“(i) The authority of section 221 and section 222 shall continue until June 30, 1972.

Expiration of authority.

“TITLE IV—OVERSEAS PRIVATE INVESTMENT CORPORATION

“SEC. 231. CREATION, PURPOSE, AND POLICY.—To mobilize and facilitate the participation of United States private capital and skills in the economic and social progress of less developed friendly countries and areas, thereby complementing the development assistance objectives of the United States, there is hereby created the Overseas Private Investment Corporation (hereinafter called the ‘Corporation’), which shall be an agency of the United States under the policy guidance of the Secretary of State.

“In carrying out its purpose, the Corporation, utilizing broad criteria, shall undertake—

“(a) to conduct its financing operations on a self-sustaining basis, taking into account the economic and financial soundness of projects and the availability of financing from other sources on appropriate terms;

“(b) to utilize private credit and investment institutions and the Corporation's guaranty authority as the principal means of mobilizing capital investment funds;

“(c) to broaden private participation and revolve its funds through selling its direct investments to private investors whenever it can appropriately do so on satisfactory terms;

“(d) to conduct its insurance operations with due regard to principles of risk management including, when appropriate, efforts to share its insurance risks;

“(e) to utilize, to the maximum practicable extent consistent with the accomplishment of its purpose, the resources and skills of small business and to provide facilities to encourage its full participation in the programs of the Corporation;

“(f) to encourage and support only those private investments in less developed friendly countries and areas which are sensitive and responsive to the special needs and requirements of their economies, and which contribute to the social and economic development of their people;

“(g) to consider in the conduct of its operations the extent to which less developed country governments are receptive to private enterprise, domestic and foreign, and their willingness and ability to maintain conditions which enable private enterprise to make its full contribution to the development process;

“(h) to foster private initiative and competition and discourage monopolistic practices;

“(i) to further to the greatest degree possible, in a manner consistent with its goals, the balance-of-payments objectives of the United States;

“(j) to conduct its activities in consonance with the activities of the agency primarily responsible for administering part I and the international trade, investment, and financial policies of the United States Government; and

“(k) to advise and assist, within its field of competence, interested agencies of the United States and other organizations, both public and private, national and international, with respect to projects and programs relating to the development of private enterprise in less developed countries and areas.

“SEC. 232. CAPITAL OF THE CORPORATION.—The President is authorized to pay in as capital of the Corporation, out of dollar receipts made available through the appropriation process from loans made pursuant to this part and from loans made under the Mutual Security Act of 1954, as amended, for the fiscal year 1970 not to exceed \$20,000,000 and for the fiscal year 1971 not to exceed \$20,000,000. Upon the payment of such capital by the President, the Corporation shall issue an equivalent amount of capital stock to the Secretary of the Treasury.

“SEC. 233. ORGANIZATION AND MANAGEMENT.—(a) **STRUCTURE OF THE CORPORATION.**—The Corporation shall have a Board of Directors, a President, an Executive Vice President, and such other officers and staff as the Board of Directors may determine.

“(b) **BOARD OF DIRECTORS.**—All powers of the Corporation shall vest in and be exercised by or under the authority of its Board of Directors ('the Board') which shall consist of eleven Directors, including the Chairman, with six Directors constituting a quorum for the transaction of business. The Administrator of the Agency for International Development shall be the Chairman of the Board, ex officio. Six Directors (other than the President of the Corporation, appointed pursuant to subsection (c) who shall also serve as a Director) shall be appointed by the President of the United States, by

and with the advice and consent of the Senate, and shall not be officials or employees of the Government of the United States. At least one of the six Directors appointed under the preceding sentence shall be experienced in small business, one in organized labor, and one in cooperatives. Each such Director shall be appointed for a term of no more than three years. The terms of no more than two such Directors shall expire in any one year. Such Directors shall serve until their successors are appointed and qualified and may be reappointed.

"The other Directors shall be officials of the Government of the United States, designated by and serving at the pleasure of the President of the United States.

"All Directors who are not officers of the Corporation or officials of the Government of the United States shall be compensated at a rate equivalent to that of level IV of the Executive Schedule (5 U.S.C. 5315) when actually engaged in the business of the Corporation and may be paid per diem in lieu of subsistence at the applicable rate prescribed in the standardized Government travel regulations, as amended from time to time, while away from their homes or usual places of business.

"(c) PRESIDENT OF THE CORPORATION.—The President of the Corporation shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. In making such appointment, the President shall take into account private business experience of the appointee. The President of the Corporation shall be its Chief Executive Officer and responsible for the operations and management of the Corporation, subject to bylaws and policies established by the Board.

"(d) OFFICERS AND STAFF.—The Executive Vice President of the Corporation shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. Other officers, attorneys, employees, and agents shall be selected and appointed by the Corporation, and shall be vested with such powers and duties as the Corporation may determine. Of such persons employed by the Corporation, not to exceed twenty may be appointed, compensated, or removed without regard to the civil service laws and regulations: *Provided*, That under such regulations as the President of the United States may prescribe, officers and employees of the United States Government who are appointed to any of the above positions may be entitled, upon removal from such position, except for cause, to reinstatement to the position occupied at the time of appointment or to a position of comparable grade and salary. Such positions shall be in addition to those otherwise authorized by law, including those authorized by section 5108 of title 5 of the United States Code.

"SEC. 234. INVESTMENT INCENTIVE PROGRAMS.—The Corporation is hereby authorized to do the following:

"(a) INVESTMENT INSURANCE.—(1) To issue insurance, upon such terms and conditions as the Corporation may determine, to eligible investors assuring protection in whole or in part against any or all of the following risks with respect to projects which the Corporation has approved—

"(A) inability to convert into United States dollars other currencies, or credits in such currencies, received as earnings or profits from the approved project, as repayment or return of the investment therein, in whole or in part, or as compensation for the sale or disposition of all or any part thereof;

Terms of office.

Post, p. 864.

Appointment
by President.

80 Stat. 453,
878.

“(B) loss of investment, in whole or in part, in the approved project due to expropriation or confiscation by action of a foreign government; and

“(C) loss due to war, revolution, or insurrection.

“(2) Recognizing that major private investments in less developed friendly countries or areas are often made by enterprises in which there is multinational participation, including significant United States private participation, the Corporation may make such arrangements with foreign governments (including agencies, instrumentalities, or political subdivisions thereof) or with multilateral organizations for sharing liabilities assumed under investment insurance for such investments and may in connection therewith issue insurance to investors not otherwise eligible hereunder: *Provided, however,* That liabilities assumed by the Corporation under the authority of this subsection shall be consistent with the purposes of this title and that the maximum share of liabilities so assumed shall not exceed the proportionate participation by eligible investors in the total project financing.

“(3) Not more than 10 per centum of the total face amount of investment insurance which the Corporation is authorized to issue under this subsection shall be issued to a single investor.

“(b) INVESTMENT GUARANTIES.—To issue to eligible investors guarantees of loans and other investments made by such investors assuring against loss due to such risks and upon such terms and conditions as the Corporation may determine: *Provided, however,* That such guarantees on other than loan investments shall not exceed 75 per centum of such investment: *Provided further,* That except for loan investments for credit unions made by eligible credit unions or credit union associations, the aggregate amount of investment (exclusive of interest and earnings) so guaranteed with respect to any project shall not exceed, at the time of issuance of any such guaranty, 75 per centum of the total investment committed to any such project as determined by the Corporation, which determination shall be conclusive for purposes of the Corporation's authority to issue any such guaranty: *Provided further,* That not more than 10 per centum of the total face amount of investment guarantees which the Corporation is authorized to issue under this subsection shall be issued to a single investor.

“(c) DIRECT INVESTMENT.—To make loans in United States dollars repayable in dollars or loans in foreign currencies (including, without regard to section 1415 of the Supplemental Appropriation Act, 1953, such foreign currencies which the Secretary of the Treasury may determine to be excess to the normal requirements of the United States and the Director of the Bureau of the Budget may allocate) to firms privately owned or of mixed private and public ownership upon such terms and conditions as the Corporation may determine. The Corporation may not purchase or invest in any stock in any other corporation, except that it may (1) accept as evidence of indebtedness debt securities convertible to stock, but such debt securities shall not be converted to stock while held by the Corporation, and (2) acquire stock through the enforcement of any lien or pledge or otherwise to satisfy a previously contracted indebtedness which would otherwise be in default, or as the result of any payment under any contract of insurance or guaranty. The Corporation shall dispose of any stock it may so acquire as soon as reasonably feasible under the circumstances then pertaining.

“No loans shall be made under this section to finance operations for mining or other extraction of any deposit of ore, oil, gas, or other mineral.

“(d) INVESTMENT ENCOURAGEMENT.—To initiate and support through financial participation, incentive grant, or otherwise, and on such terms and conditions as the Corporation may determine, the identification, assessment, surveying and promotion of private investment opportunities, utilizing wherever feasible and effective the facilities of private organizations or private investors: *Provided, however.* That the Corporation shall not finance surveys to ascertain the existence, location, extent or quality, or to determine the feasibility of undertaking operations for mining or other extraction, of any deposit of ore, oil, gas, or other mineral. In carrying out this authority, the Corporation shall coordinate with such investment promotion activities as are carried out by the Department of Commerce.

“(e) SPECIAL ACTIVITIES.—To administer and manage special projects and programs, including programs of financial and advisory support which provide private technical, professional, or managerial assistance in the development of human resources, skills, technology, capital savings and intermediate financial and investment institutions and cooperatives. The funds for these projects and programs may, with the Corporation's concurrence, be transferred to it for such purposes under the authority of section 632(a) or from other sources, public or private.

75 Stat. 453.
22 USC 2392.

“SEC. 235. ISSUING AUTHORITY, DIRECT INVESTMENT FUND AND RESERVES.—(a) (1) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 234(a) shall not exceed \$7,500,000,000.

“(2) The maximum contingent liability outstanding at any one time pursuant to guaranties issued under section 234(b) shall not exceed in the aggregate \$750,000,000, of which guaranties of credit union investment shall not exceed \$1,250,000: *Provided,* That the Corporation shall not make any commitment to issue any guaranty which would result in a fractional reserve less than 25 per centum of the maximum contingent liability then outstanding against guaranties issued or commitments made pursuant to section 234(b) or similar predecessor guaranty authority.

“(3) The Congress, in considering the budget programs transmitted by the President for the Corporation, pursuant to section 104 of the Government Corporation Control Act, as amended, may limit the obligations and contingent liabilities to be undertaken under section 234 (a) and (b) as well as the use of funds for operating and administrative expenses.

61 Stat. 584.
31 USC 849.

“(4) The authority of section 234 (a) and (b) shall continue until June 30, 1974.

Expiration of authority.

“(b) There shall be established a revolving fund, known as the Direct Investment Fund, to be held by the Corporation. Such fund shall consist initially of amounts made available under section 232, shall be available for the purposes authorized under section 234(c), shall be charged with realized losses and credited with realized gains and shall be credited with such additional sums as may be transferred to it under the provisions of section 236.

“(c) There shall be established in the Treasury of the United States an insurance and guaranty fund, which shall have separate accounts to be known as the Insurance Reserve and the Guaranty Reserve, which reserves shall be available for discharge of liabilities, as provided in section 235(d), until such time as all such liabilities have been discharged or have expired or until all such reserves have been expended in accordance with the provisions of this section. Such fund shall be funded by: (1) the funds heretofore available to discharge liabilities under predecessor guaranty authority (including

housing guaranty authorities), less both the amount made available for housing guaranty programs pursuant to section 223(b) and the amount made available to the Corporation pursuant to section 234(e); and (2) such sums as shall be appropriated pursuant to section 235(f) for such purpose. The allocation of such funds to each such reserve shall be determined by the Board after consultation with the Secretary of the Treasury. Additional amounts may thereafter be transferred to such reserves pursuant to section 236.

“(d) Any payments made to discharge liabilities under investment insurance issued under section 234(a) or under similar predecessor guaranty authority shall be paid first out of the Insurance Reserve, as long as such reserve remains available, and thereafter out of funds made available pursuant to section 235(f). Any payments made to discharge liabilities under guaranties issued under section 234(b) or under similar predecessor guaranty authority shall be paid first out of the Guaranty Reserve as long as such reserve remains available, and thereafter out of funds made available pursuant to section 235(f).

“(e) There is hereby authorized to be transferred to the Corporation at its call, for the purposes specified in section 236, all fees and other revenues collected under predecessor guaranty authority from December 31, 1968, available as of the date of such transfer.

“(f) There is hereby authorized to be appropriated to the Corporation, to remain available until expended, such amounts as may be necessary from time to time to replenish or increase the insurance and guaranty fund or to discharge the liabilities under insurance and guaranties issued by the Corporation or issued under predecessor guaranty authority.

“SEC. 236. INCOME AND REVENUES.—In order to carry out the purposes of the Corporation, all revenues and income transferred to or earned by the Corporation, from whatever source derived, shall be held by the Corporation and shall be available to carry out its purposes, including without limitation—

“(a) payment of all expenses of the Corporation, including investment promotion expenses;

“(b) transfers and additions to the insurance or guaranty reserves, the Direct Investment Fund established pursuant to section 235, and such other funds or reserves as the Corporation may establish, at such time and in such amounts as the Board may determine; and

“(c) payment of dividends, on capital stock, which shall consist of and be paid from net earnings of the Corporation after payments, transfers, and additions under subsections (a) and (b) hereof.

“SEC. 237. GENERAL PROVISIONS RELATING TO INSURANCE AND GUARANTY PROGRAMS.—(a) Insurance and guaranties issued under this title shall cover investment made in connection with projects in any less developed friendly country or area with the government of which the President of the United States has agreed to institute a program for insurance or guaranties.

“(b) The Corporation shall determine that suitable arrangements exist for protecting the interest of the Corporation in connection with any insurance or guaranty issued under this title, including arrangements concerning ownership, use, and disposition of the currency, credits, assets, or investments on account of which payment under such insurance or guaranty is to be made, and any right, title, claim, or cause of action existing in connection therewith.

Fees and
revenues.

Appropriation.

“(c) All guaranties issued prior to July 1, 1956, all guaranties issued under sections 202(b) and 413(b) of the Mutual Security Act of 1954, as amended, all guaranties heretofore issued pursuant to prior guaranty authorities repealed by the Foreign Assistance Act of 1969, and all insurance and guaranties issued pursuant to this title shall constitute obligations, in accordance with the terms of such insurance or guaranties, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

“(d) Fees shall be charged for insurance and guaranty coverage in amounts to be determined by the Corporation. In the event fees to be charged for investment insurance or guaranties are reduced, fees to be paid under existing contracts for the same type of guaranties or insurance and for similar guaranties issued under predecessor guaranty authority may be reduced.

“(e) No insurance or guaranty of any equity investment shall extend beyond twenty years from the date of issuance.

“(f) No insurance or guaranty issued under this title shall exceed the dollar value, as of the date of the investment, of the investment made in the project with the approval of the Corporation plus interest, earnings or profits actually accrued on said investment to the extent provided by such insurance or guaranty.

“(g) No payment may be made under any guaranty issued pursuant to this title for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

“(h) Insurance or guaranties of a loan or equity investment of an eligible investor in a foreign bank, finance company, or other credit institution shall extend only to such loan or equity investment and not to any individual loan or equity investment made by such foreign bank, finance company, or other credit institution.

“(i) Claims arising as a result of insurance or guaranty operations under this title or under predecessor guaranty authority may be settled, and disputes arising as a result thereof may be arbitrated with the consent of the parties, on such terms and conditions as the Corporation may determine. Payment made pursuant to any such settlement, or as a result of an arbitration award, shall be final and conclusive notwithstanding any other provision of law.

“(j) Each guaranty contract executed by such officer or officers as may be designated by the Board shall be conclusively presumed to be issued in compliance with the requirements of this Act.

“(k) In making a determination to issue insurance or a guaranty under this title, the Corporation shall consider the possible adverse effect of the dollar investment under such insurance or guaranty upon the balance of payments of the United States.

“SEC. 238. DEFINITIONS.—As used in this title—

“(a) the term ‘investment’ includes any contribution of funds, commodities, services, patents, processes, or techniques, in the form of (1) a loan or loans to an approved project, (2) the purchase of a share of ownership in any such project, (3) participation in royalties, earnings, or profits of any such project, and (4) the furnishing of commodities or services pursuant to a lease or other contract;

“(b) the term ‘expropriation’ includes, but is not limited to, any abrogation, repudiation, or impairment by a foreign government of its own contract with an investor with respect to a project, where such abrogation, repudiation, or impairment is not caused by the investor’s own fault or misconduct, and materially adversely affects the continued operation of the project;

71 Stat. 357.
22 USC 1872
note,
68 Stat. 846.
22 USC 1933
note.

Insurance fees.

Claims settle-
ment.

“(c) the term ‘eligible investor’ means: (1) United States citizens; (2) corporations, partnerships, or other associations including nonprofit associations, created under the laws of the United States or any State or territory thereof and substantially beneficially owned by United States citizens; and (3) foreign corporations, partnerships, or other associations wholly owned by one or more such United States citizens, corporations, partnerships, or other associations: *Provided, however,* That the eligibility of such foreign corporation shall be determined without regard to any shares, in aggregate less than 5 per centum of the total of issued and subscribed share capital, required by law to be held by other than the United States owners: *Provided further,* That in the case of any loan investment a final determination of eligibility may be made at the time the insurance or guaranty is issued; in all other cases, the investor must be eligible at the time a claim arises as well as at the time the insurance or guaranty is issued; and

“(d) the term ‘predecessor guaranty authority’ means prior guaranty authorities (other than housing guaranty authorities) repealed by the Foreign Assistance Act of 1969, sections 202(b) and 413(b) of the Mutual Security Act of 1954, as amended, and section 111(b)(3) of the Economic Cooperation Act of 1948, as amended (exclusive of authority relating to informational media guaranties).

“SEC. 239. GENERAL PROVISIONS AND POWERS.—(a) The Corporation shall have its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident thereof.

“(b) The President shall transfer to the Corporation, at such time as he may determine, all obligations, assets and related rights and responsibilities arising out of, or related to, predecessor programs and authorities similar to those provided for in section 234(a), (b), and (d). Until such transfer, the agency heretofore responsible for such predecessor programs shall continue to administer such assets and obligations, and such programs and activities authorized under this title as may be determined by the President.

“(c) The Corporation shall be subject to the applicable provisions of the Government Corporation Control Act, except as otherwise provided in this title.

“(d) To carry out the purposes of this title, the Corporation is authorized to adopt and use a corporate seal, which shall be judicially noticed; to sue and be sued in its corporate name; to adopt, amend, and repeal bylaws governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law; to acquire, hold or dispose of, upon such terms and conditions as the Corporation may determine, any property, real, personal, or mixed, tangible or intangible, or any interest therein; to invest funds derived from fees and other revenues in obligations of the United States and to use the proceeds therefrom, including earnings and profits, as it shall deem appropriate; to indemnify directors, officers, employees and agents of the Corporation for liabilities and expenses incurred in connection with their Corporation activities; to require bonds of officers, employees, and agents and pay the premiums therefor; notwithstanding any other provision of law, to represent itself or to contract for representation in all legal and arbitral proceedings; to purchase, discount, rediscount, sell, and negotiate, with or without its endorsement or guaranty, and guarantee notes, participation certificates, and other evidence of indebtedness (provided that the Corporation shall not issue its own securities, except participation cer-

71 Stat. 357.
22 USC 1872
note.
68 Stat. 846.
22 USC 1933
note.
62 Stat. 143;
64 Stat. 198.
22 USC 1509
note.

59 Stat. 597;
61 Stat. 584.
31 USC 841
note.
Corporation
powers.

tificates for the purpose of carrying out section 231(c); to make and carry out such contracts and agreements as are necessary and advisable in the conduct of its business; to exercise the priority of the Government of the United States in collecting debts from bankrupt, insolvent, or decedents' estates; to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations; and to take such actions as may be necessary or appropriate to carry out the powers herein or hereafter specifically conferred upon it.

“(e) The Auditor-General of the Agency for International Development (1) shall have the responsibility for planning and directing the execution of audits, reviews, investigations, and inspections of all phases of the Corporation's operations and activities and (2) shall conduct all security activities of the Corporation relating to personnel and the control of classified material. With respect to his responsibilities under this subsection, the Auditor-General shall report to the Board. The agency primarily responsible for administering part I shall be reimbursed by the Corporation for all expenses incurred by the Auditor-General in connection with his responsibilities under this subsection.

“(f) In order to further the purposes of the Corporation there shall be established an Advisory Council to be composed of such representatives of the American business community as may be selected by the Chairman of the Board. The President and the Board shall, from time to time, consult with such Council concerning the objectives of the Corporation. Members of the Council shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of title 5 of the United States Code for travel and other expenses incurred by them in the performance of their functions under this section.

“SEC. 240. AGRICULTURAL CREDIT AND SELF-HELP COMMUNITY DEVELOPMENT PROJECTS.—(a) It is the sense of the Congress that in order to stimulate the participation of the private sector in the economic development of less developed countries in Latin America, the authority conferred by this section should be used to establish pilot programs in not more than five Latin American countries to encourage private banks, credit institutions, similar private lending organizations, cooperatives, and private nonprofit development organizations to make loans on reasonable terms to organized groups and individuals residing in a community for the purpose of enabling such groups and individuals to carry out agricultural credit and self-help community development projects for which they are unable to obtain financial assistance on reasonable terms. Agricultural credit and assistance for self-help community development projects should include, but not be limited to, material and such projects as wells, pumps, farm machinery, improved seed, fertilizer, pesticides, vocational training, food industry development, nutrition projects, improved breeding stock for farm animals, sanitation facilities, and looms and other handicraft aids.

“(b) To carry out the purposes of subsection (a), the Corporation is authorized to issue guarantees, on such terms and conditions as it shall determine, to private lending institutions, cooperatives, and private nonprofit development organizations in not more than five Latin American countries assuring against loss of not to exceed 25 per centum of the portfolio of such loans made by any lender to organized groups or individuals residing in a community to enable such groups

AID.
Audits and re-
views by Auditor
General.

Advisory
Council.

Ante, p. 190.

or individuals to carry out agricultural credit and self-help community development projects for which they are unable to obtain financial assistance on reasonable terms. In no event shall the liability of the United States exceed 75 per centum of any one loan.

“(c) The total face amount of guaranties issued under this section outstanding at any one time shall not exceed \$15,000,000. Not more than 10 per centum of such sum shall be provided for any one institution, cooperative, or organization.

“(d) The Inter-American Social Development Institute shall be consulted in developing criteria for making loans eligible for guaranty coverage under this section.

“(e) The guaranty reserve established under section 235(c) shall be available to make such payments as may be necessary to discharge liabilities under guaranties issued under this section.

“(f) Notwithstanding the limitation contained in subsection (c) of this section, foreign currencies owned by the United States and determined by the Secretary of the Treasury to be excess to the needs of the United States may be utilized to carry out the purposes of this section, including the discharge of liabilities incurred under this subsection. The authority conferred by this subsection shall be in addition to authority conferred by any other provision of law to implement guaranty programs utilizing excess local currency.

“(g) The Corporation shall, on or before January 15, 1972, make a detailed report to the Congress on the results of the pilot programs established under this section, together with such recommendations as it may deem appropriate.

“(h) The authority of this section shall continue until June 30, 1972.

“SEC. 240A. REPORTS TO THE CONGRESS.—(a) After the end of each fiscal year, the Corporation shall submit to the Congress a complete and detailed report of its operations during such fiscal year.

“(b) Not later than March 1, 1974, the Corporation shall submit to the Congress an analysis of the possibilities of transferring all or part of its activities to private United States citizens, corporations, or other associations.”

ALLIANCE FOR PROGRESS

76 Stat. 258;
82 Stat. 961.
22 USC 2212.

Sec. 106. Section 252(a) of such Act, relating to authorization, is amended to read as follows:

“SEC. 252. AUTHORIZATION.—(a) There is authorized to be appropriated to the President for the purposes of this title, in addition to other funds available for such purposes, for the fiscal year 1970, \$428,250,000, and for the fiscal year 1971, \$428,250,000, which amounts are authorized to remain available until expended, and which amounts, except for not to exceed \$90,750,000 for each such fiscal year, shall be available only for loans payable as to principal and interest in United States dollars. In order to effectuate the purposes and provisions of sections 102, 251, 601, and 602 of this Act, not less than 50 per centum of the loan funds appropriated pursuant to this section for any fiscal year shall be available for loans made to encourage economic development through private enterprise.”

PROGRAMS RELATING TO POPULATION GROWTH

81 Stat. 445;
82 Stat. 962.
22 USC 2219a.

Sec. 107. Section 292, relating to authorization, is amended by striking out “fiscal year 1969, \$50,000,000” and inserting in lieu thereof “fiscal year 1970, \$75,000,000, and for the fiscal year 1971, \$100,000,000.”

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 108. (a) Section 301(c) of such Act, relating to general authority, is amended to read as follows:

“(c) No contributions by the United States shall be made to the United Nations Relief and Works Agency for Palestine Refugees in the Near East except on the condition that the United Nations Relief and Works Agency take all possible measures to assure that no part of the United States contribution shall be used to furnish assistance to any refugee who is receiving military training as a member of the so-called Palestine Liberation Army or any other guerrilla type organization or who has engaged in any act of terrorism.”

(b) Section 302(a) of such Act, relating to authorization, is amended by striking out “fiscal year 1969, \$135,000,000” and inserting in lieu thereof “fiscal year 1970, \$122,620,000, and for the fiscal year 1971, \$122,620,000”.

(c) Section 302(b) of such Act, relating to Indus Basin development, is amended by inserting “(1)” immediately after “(b)” and by adding at the end thereof the following new paragraph:

“(2) There is authorized to be appropriated to the President for grants for Indus Basin Development, in addition to any other funds available for such purposes, for use in the fiscal year 1970, \$7,530,000, and for use in the fiscal year 1971, \$7,530,000, which amounts shall remain available until expended.”

(d) Section 302 of such Act is further amended by adding at the end thereof the following new subsection:

“(e) There is authorized to be appropriated \$1,000,000 for the fiscal year 1970, and \$1,000,000 for the fiscal year 1971, to provide added contribution to the United Nations Relief and Works Agency for expansion of technical and vocational training of Arab refugees.”

75 Stat. 433;
80 Stat. 800.
22 USC 2221.

80 Stat. 801;
82 Stat. 962.
22 USC 2222.

81 Stat. 454.

80 Stat. 801;
82 Stat. 962.

SUPPORTING ASSISTANCE

SEC. 109. Section 402 of such Act, relating to authorization, is amended by striking out “fiscal year 1969 not to exceed \$410,000,000” and inserting in lieu thereof “fiscal year 1970 not to exceed \$414,600,000, and for the fiscal year 1971 not to exceed \$414,600,000”.

80 Stat. 801;
82 Stat. 962.
22 USC 2242.

CONTINGENCY FUND

SEC. 110. Section 451(a) of such Act, relating to the contingency fund, is amended by striking out “fiscal year 1968 not to exceed \$50,000,000, and for the fiscal year 1969 not to exceed \$10,000,000” and inserting in lieu thereof “fiscal year 1970 not to exceed \$15,000,000, and for the fiscal year 1971 not to exceed \$15,000,000”.

75 Stat. 434;
82 Stat. 962.
22 USC 2261.

PART II—MILITARY ASSISTANCE

MILITARY ASSISTANCE AUTHORIZATION

SEC. 201. Section 504(a) of the Foreign Assistance Act of 1961, relating to authorization, is amended—

80 Stat. 802;
82 Stat. 962.
22 USC 2312.

(1) by striking out “\$375,000,000 for the fiscal year 1969” and inserting in lieu thereof “\$350,000,000 for the fiscal year 1970, and \$350,000,000 for the fiscal year 1971”; and

(2) by adding at the end thereof the following new sentence: “Amounts appropriated under this subsection shall be available for cost-sharing expenses of United States participation in the military headquarters and related agencies program.”

SPECIAL AUTHORITY

75 Stat. 436,
437; 81 Stat.
457; 82 Stat. 962.
22 USC 2318.

SEC. 202. Section 506(a) of such Act, relating to special authority of the President, is amended—

(1) by striking out “1969” in the first sentence and inserting in lieu thereof “1970 and the fiscal year 1971”; and

(2) by striking out “in the fiscal year 1969” in the second sentence and inserting in lieu thereof “in each of the fiscal years 1970 and 1971.”

RESTRICTIONS ON TRAINING FOREIGN MILITARY STUDENTS

22 USC 2311-
2321.

SEC. 203. Chapter 2 of part II of such Act, relating to military assistance, is amended by inserting at the end thereof the following new section.

“SEC. 510. RESTRICTIONS ON TRAINING FOREIGN MILITARY STUDENTS.—The number of foreign military students to be trained in the United States in any fiscal year, out of funds appropriated pursuant to this part, may not exceed a number equal to the number of foreign civilians brought to the United States under the Mutual Educational and Cultural Exchange Act of 1961 in the immediately preceding fiscal year.”

75 Stat. 527.
22 USC 2451
note.

PART III—GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS PROVISIONS

75 Stat. 442;
76 Stat. 260.
22 USC 2360.

SEC. 301. Section 610(a) of the Foreign Assistance Act of 1961, relating to transfer between accounts, is amended by inserting immediately after “funds made available for any provision of this Act” the following: “(except funds made available pursuant to title IV of chapter 2 of part I)”.

75 Stat. 443;
78 Stat. 1012;
80 Stat. 805.
22 USC 2362.

SEC. 302. Section 612 of such Act, relating to use of foreign currencies, is amended by adding at the end thereof the following new subsection:

“(d) In furnishing assistance under this Act to the government of any country in which the United States owns excess foreign currencies as defined in subsection (b) of this section, except those currencies generated under the Agricultural Trade Development and Assistance Act of 1954, as amended, the President shall endeavor to obtain from the recipient country an agreement for the release, on such terms and conditions as the President shall determine, of an amount of such currencies up to the equivalent of the dollar value of assistance furnished by the United States for programs as may be mutually agreed upon by the recipient country and the United States to carry out the purposes for which new funds authorized by this Act would themselves be available.”

68 Stat. 454;
80 Stat. 1526.
7 USC 1691
note.

81 Stat. 459.
22 USC 2370.

SEC. 303. (a) Section 620(s) of such Act, relating to prohibitions against furnishing assistance, is amended to read as follows:

“(s)(1) In order to restrain arms races and proliferation of sophisticated weapons, and to ensure that resources intended for economic development are not diverted to military purposes, the President shall take into account before furnishing development loans, Alliance loans or supporting assistance to any country under this Act, and before making sales under the Agricultural Trade Development and Assistance Act of 1954, as amended:

“(A) the percentage of the recipient or purchasing country’s budget which is devoted to military purposes;

“(B) the degree to which the recipient or purchasing country is using its foreign exchange resources to acquire military equipment; and

“(C) the amount spent by the recipient or purchasing country for the purchase of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, from any country.

“(2) The President shall report annually to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate his actions in carrying out this provision.”

(b) Section 620(v) of such Act is repealed.

SEC. 304. Section 624(d) of such Act, relating to the duties of the Inspector General, Foreign Assistance, is amended—

(1) by inserting in paragraph (2)(A), after the words “under part I of this Act”, the following: “(including the Overseas Private Investment Corporation), and under part IV of the Foreign Assistance Act of 1969 (the Inter-American Social Development Institute)”;

(2) by inserting in paragraph (5), before the period at the end of the first sentence, the following: “and part IV of the Foreign Assistance Act of 1969”; and

(3) by inserting in the first sentence of paragraph (7), immediately after “programs under part I or II of this Act,” the following: “and part IV of the Foreign Assistance Act of 1969.”

SEC. 305. Section 634(a) of such Act, relating to reports and information, is amended—

(1) by inserting in the first sentence, after the words “concerning operations”, the following: “(other than those reported pursuant to section 240A)”;

(2) by striking out of the last sentence the following: “on the operation of the investment guaranty program and”.

SEC. 306. Section 636(f) of such Act, relating to use of funds, is amended by inserting immediately before the period at the end thereof the following: “or by the Corporation established under title IV of chapter 2 of part I with respect to loan activities which it carries out under the provisions of the Agricultural Trade Development and Assistance Act of 1954, as amended”.

SEC. 307. Section 637(a) of such Act, relating to administrative expenses, is amended by striking out “fiscal year 1969, \$53,000,000” and inserting in lieu thereof “fiscal year 1970, \$51,125,000, and for the fiscal year 1971, \$51,125,000”.

SEC. 308. Section 643 of such Act, relating to savings provisions, is amended by inserting after “section 642(a)” and “section 642(a)(2)” each time they appear the following: “and the Foreign Assistance Act of 1969”.

PART IV—INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

SEC. 401. INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE.—(a) There is created as an agency of the United States of America a body corporate to be known as the “Inter-American Social Development Institute” (hereafter in this section referred to as the “Institute”).

(b) The future of freedom, security, and economic development in the Western Hemisphere rests on the realization that man is the foundation of all human progress. It is the purpose of this section to provide support for developmental activities designed to achieve conditions in the Western Hemisphere under which the dignity and the worth of each human person will be respected and under which all

Reports to Congress.

Repeal.
22 USC 2370.

75 Stat. 447;
76 Stat. 262.
22 USC 2384.

75 Stat. 455.
22 USC 2394.

Ante, p. 818.

75 Stat. 459.
22 USC 2396.

68 Stat. 454;
80 Stat. 1526.
7 USC 1691
note.

75 Stat. 460.
22 USC 2402.

Purposes.

men will be afforded the opportunity to develop their potential, to seek through gainful and productive work the fulfillment of their aspirations for a better life, and to live in justice and peace. To this end, it shall be the purpose of the Institute, primarily in cooperation with private, regional, and international organizations, to—

- (1) strengthen the bonds of friendship and understanding among the peoples of this hemisphere;
- (2) support self-help efforts designed to enlarge the opportunities for individual development;
- (3) stimulate and assist effective and ever wider participation of the people in the development process;
- (4) encourage the establishment and growth of democratic institutions, private and governmental, appropriate to the requirements of the individual sovereign nations of this hemisphere.

In pursuing these purposes, the Institute shall place primary emphasis on the enlargement of educational opportunities at all levels, the production of food and the development of agriculture, and the improvement of environmental conditions relating to health, maternal and child care, family planning, housing, free trade union development, and other social and economic needs of the people.

Research and planning.

(c) The Institute shall carry out the purposes set forth in subsection (b) of this section primarily through and with private organizations, individuals, and international organizations by undertaking or sponsoring appropriate research and by planning, initiating, assisting, financing, administering, and executing programs and projects designed to promote the achievement of such purposes.

Coordination of functions.

(d) In carrying out its functions under this section, the Institute shall, to the maximum extent possible, coordinate its undertakings with the developmental activities in the Western Hemisphere of the various organs of the Organization of American States, the United States Government, international organizations, and other entities engaged in promoting social and economic development of Latin America.

Powers.

(e) The Institute, as a corporation—

- (1) shall have perpetual succession unless sooner dissolved by an Act of Congress;
- (2) may adopt, alter, and use a corporate seal, which shall be judicially noticed;
- (3) may make and perform contracts and other agreements with any individual, corporation, or other body of persons however designated whether within or without the United States of America, and with any government or governmental agency, domestic or foreign;
- (4) shall determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid;
- (5) may, as necessary for the transaction of the business of the Institute, employ, and fix the compensation of not to exceed one hundred persons at any one time;
- (6) may acquire by purchase, devise, bequest, or gift, or otherwise lease, hold, and improve, such real and personal property as it finds to be necessary to its purposes, whether within or without the United States, and in any manner dispose of all such real and personal property held by it and use as general funds all receipts arising from the disposition of such property;
- (7) shall be entitled to the use of the United States mails in the same manner and on the same conditions as the executive departments of the Government;
- (8) may, with the consent of any board, corporation, commission, independent establishment, or executive department of the Government, including any field service thereof, avail itself of the

use of information, services, facilities, officers, and employees thereof in carrying out the provisions of this section;

(9) may accept money, funds, property, and services of every kind by gift, device, bequest, grant, or otherwise, and make advances, grants, and loans to any individual, corporation, or other body of persons, whether within or without the United States of America, or to any government or governmental agency, domestic or foreign, when deemed advisable by the Institute in furtherance of its purposes;

(10) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction; and

(11) shall have such other powers as may be necessary and incident to carrying out its powers and duties under this section.

(f) Upon termination of the corporate life of the Institute all of its assets shall be liquidated and, unless otherwise provided by Congress, shall be transferred to the United States Treasury as the property of the United States.

(g) The management of the Institute shall be vested in a board of directors (hereafter in this section referred to as the "Board") composed of seven members appointed by the President, by and with the advice and consent of the Senate, one of whom he shall designate to serve as Chairman of the Board and one of whom he shall designate to serve as Vice Chairman of the Board. Four members of the Board shall be appointed from private life. Three members of the Board shall be appointed from among officers or employees of agencies of the United States concerned with inter-American affairs. Members of the Board shall be appointed for terms of six years, except that of the members first appointed two shall be appointed for terms of two years and two shall be appointed for terms of four years, as designated by the President at the time of their appointment. A member of the Board appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term; but upon the expiration of his term of office a member shall continue to serve until his successor is appointed and shall have qualified. Members of the Board shall be eligible for reappointment.

(h) Members of the Board shall serve without additional compensation, but shall be reimbursed for actual and necessary expenses not in excess of \$50 per day, and for transportation expenses, while engaged in their duties on behalf of the corporation.

(i) The Board shall direct the exercise of all the powers of the Institute.

(j) The Board may prescribe, amend, and repeal bylaws, rules, and regulations governing the manner in which the business of the Institute may be conducted and in which the powers granted to it by law may be exercised and enjoyed. A majority of the Board shall be required as a quorum.

(k) In furtherance and not in limitation of the powers conferred upon it, the Board may appoint such committees for the carrying out of the work of the Institute as the Board finds to be for the best interests of the Institute, each committee to consist of two or more members of the Board, which committees, together with officers and agents duly authorized by the Board and to the extent provided by the Board, shall have and may exercise the powers of the Board in the management of the business and affairs of the Institute.

Gifts, acceptance.

Board of
Directors.
Appointment by
President.

*Executive
Director.*

*Post, p. 864.
Council, estab-
lishment.*

Ante, p. 190.

*Personnel
detail.*

*Taxation,
exemption.*

*75 Stat. 424;
Ante, p. 806.*

*59 Stat. 597;
61 Stat. 584.
31 USC 841
note.*

(l) The chief executive officer of the Institute shall be an Executive Director who shall be appointed by the Board of Directors on such terms as the Board may determine. The Executive Director shall receive compensation at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(m) In order to further the purposes of the Institute there shall be established a Council to be composed of such number of individuals as may be selected by the Board from among individuals knowledgeable concerning developmental activities in the Western Hemisphere. The Board shall, from time to time, consult with the Council concerning the objectives of the Institute. Members of the Council shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of title 5, United States Code, for travel and other expenses incurred by them in the performance of their functions under this subsection.

(n) The Institute shall be a nonprofit corporation and shall have no capital stock. No part of its revenue, earnings, or other income or property shall inure to the benefit of its directors, officers, and employees and such revenue, earnings, or other income, or property shall be used for the carrying out of the corporate purposes set forth in this section. No director, officer, or employee of the corporation shall in any manner directly or indirectly participate in the deliberation upon or the determination of any question affecting his personal interests or the interests of any corporation, partnership, or organization in which he is directly or indirectly interested.

(o) When approved by the Institute, in furtherance of its purpose, the officers and employees of the Institute may accept and hold offices or positions to which no compensation is attached with governments or governmental agencies of foreign countries.

(p) The Secretary of State shall have authority to detail employees of any agency under his jurisdiction to the Institute under such circumstances and upon such conditions as he may determine. Any such employee so detailed shall not lose any privileges, rights, or seniority as an employee of any such agency by virtue of such detail.

(q) The Institute shall establish a principal office. The Institute is authorized to establish agencies, branch offices, or other offices in any place or places within the United States or elsewhere in any of which locations the Institute may carry on all or any of its operations and business.

(r) The Institute, including its franchise and income, shall be exempt from taxation now or hereafter imposed by the United States, or any territory or possession thereof, or by any State, county, municipality, or local taxing authority.

(s) Notwithstanding any other provision of law, not to exceed an aggregate amount of \$50,000,000 of the funds made available for the fiscal years 1970 and 1971 to carry out part I of the Foreign Assistance Act of 1961 shall be available to carry out the purposes of this section. Funds made available to carry out the purposes of this section under the preceding sentence are authorized to remain available until expended.

(t) The Institute shall be subject to the provisions of the Government Corporation Control Act.

PART V—AMENDMENTS TO OTHER ACTS

SEC. 501. Section 101 of the Government Corporation Control Act (31 U.S.C. 846) is amended by striking out “Development Loan Fund;” and inserting in lieu thereof “Overseas Private Investment Corporation;”.

SEC. 502. (a) Section 3343(b) of title 5, United States Code, relating to details of personnel to international organizations, as amended—

(1) by striking out “3” and inserting in lieu thereof “5”; and

(2) by striking out the period at the end of such section and inserting in lieu thereof a comma and the following: “except that under special circumstances, where the President determines it to be in the national interest, he may extend the 5-year period for up to an additional 3 years.”

(b) Section 3581(5) of such title, relating to reemployment rights of personnel who transfer to international organizations, is amended by striking out “the first 3 consecutive years after entering the employ of the international organization” and inserting in lieu thereof the following: “the first 5 consecutive years, or any extension thereof, after entering the employ of the international organization”.

(c) Section 3582(a) of such title, relating to rights of personnel who transfer to international organizations, is amended—

(1) by inserting in clause (1), before the semicolon at the end thereof, a comma and the following: “except that such service shall not be considered creditable service for the purpose of any retirement system for transferring personnel, if such service forms the basis, in whole or in part, for an annuity or pension under the retirement system of the international organization”; and

(2) by striking out clause (2) and inserting in lieu thereof the following:

“(2) to retain coverage, rights, and benefits under chapters 87 and 89 of this title, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the international organization are currently deposited in the Employees’ Life Insurance Fund and the Employees’ Health Benefits Fund, as applicable, and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapters 87 and 89 of this title.”

(d) Section 3582(b) of such title, relating to rights of employees transferring to international organizations, is amended—

(1) by striking out, “, except a Congressional employee,” in the first sentence;

(2) by striking out of clause (1) “3 years” and inserting in lieu thereof “5 years, or any extension thereof,”; and

(3) by inserting at the end thereof the following new sentences: “On reemployment, he is entitled to be paid, under such regulations as the President may prescribe and from appropriations or funds of the agency from which transferred, an amount equal to the difference between the pay, allowances, post differential, and other monetary benefits paid by the international organization and the pay, allowances, post differential, and other monetary

^{59 Stat. 597;}
^{72 Stat. 272.}

^{80 Stat. 425.}

^{80 Stat. 430.}

^{80 Stat. 592,}
^{599.}

^{80 Stat. 431.}

benefits that would have been paid by the agency had he been detailed to the international organization under section 3343 of this title. Such a payment shall be made to an employee who is unable to exercise his reemployment right because of disability incurred while on transfer to an international organization under this subchapter and, in the case of any employee who dies while on such a transfer or during the period after separation from the international organization in which he is properly exercising or could exercise his reemployment right, in accordance with subchapter VIII of chapter 55 of this title. This subsection does not apply to a congressional employee nor may any payment provided for in the preceding two sentences of this subsection be based on a period of employment with an international organization occurring before the first day of the first pay period which begins on or after the date of enactment of the Foreign Assistance Act of 1969."

80 Stat. 495.

80 Stat. 431.

(e) Section 3582(c) of such title, relating to rights of employees transferring to international organizations, is amended by striking out "3 years" and inserting in lieu thereof the following: "5 years, or any extension thereof".

(f) Section 3582(d) of such title, relating to agency contributions to retirement and insurance programs for personnel who transfer to international organizations, is amended to read as follows:

"(d) During the employee's period of service with the international organization, the agency from which the employee is transferred shall make contributions for retirement and insurance purposes from the appropriations or funds of that agency so long as contributions are made by the employee."

SEC. 503. Subchapter II of chapter 53 of title 5, United States Code, is amended—

(1) by inserting at the end of section 5314, relating to level III of the Executive Schedule, the following:

"(54) President, Overseas Private Investment Corporation.";

(2) by inserting at the end of section 5315, relating to level IV of the Executive Schedule, the following:

"(92) Executive Vice President, Overseas Private Investment Corporation."; and

(3) by inserting at the end of section 5316, relating to level V of the Executive Schedule, the following:

"(128) Auditor-General of the Agency for International Development.

"(129) Vice Presidents, Overseas Private Investment Corporation (3)."

Approved December 30, 1969.

Post, p. 864.

Public Law 91-176

JOINT RESOLUTION

To authorize appropriations for expenses of the President's Council on Youth Opportunity.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated such sums as may be necessary for the expenses of the President's Council on Youth Opportunity, established by Executive Order Numbered 11330 of March 5, 1967.

3 CFR, 1967
Comp., p. 258.

Approved December 30, 1969.

Public Law 91-177

AN ACT

To provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

December 30, 1969
[S. 3016]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Opportunity Amendments of 1969".

Economic Opportunity Amendments of 1969.

TITLE I—EXTENSION OF THE ECONOMIC OPPORTUNITY ACT OF 1964 AND RELATED PROVISIONS

EXTENSION OF ECONOMIC OPPORTUNITY ACT

SEC. 101. (a) Section 161 of the Economic Opportunity Act of 1964 (redesignated section 171 by section 201 of this Act) is amended (1) by striking out "for which he is responsible", and (2) by striking out "three" and inserting in lieu thereof "five".

80 Stat. 1456;
81 Stat. 726;
Post, p. 833.
42 USC 2771.

(b) Sections 245, 321, 408, 615, and 835 of such Act are each amended by striking out "three" and inserting in lieu thereof "five".

42 USC 2837,
2871, 2907, 2965,
2994d.
81 Stat. 714.
42 USC 2933.

(c) Section 523 of such Act is amended by striking out "two" and inserting in lieu thereof "four".

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. (a) For the purpose of carrying out the Economic Opportunity Act of 1964, there are hereby authorized to be appropriated \$2,195,500,000 for the fiscal year ending June 30, 1970, and \$2,295,500,000 for the fiscal year ending June 30, 1971.

(b) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, of the amounts appropriated pursuant to subsection (a) of this section for the fiscal year ending June 30, 1970, and for the next fiscal year, the Director shall for each such fiscal year reserve and make available not less than \$328,900,000 for the purpose of local initiative programs authorized under section 221 of the Economic Opportunity Act of 1964 and the remainder of such amounts shall be allocated, subject to the provisions of section 616 of such Act, in such a manner that of such remaining amounts so appropriated for each fiscal year—

81 Stat. 696.
42 USC 2808.
Post, p. 831.

(1) \$890,300,000 shall be for the purpose of carrying out parts A and B of title I (relating to work and training programs);

81 Stat. 672,
683.
42 USC 2711,
2737.

(2) \$46,000,000 shall be for the purpose of carrying out part D of title I (relating to special impact programs);

81 Stat. 688.
42 USC 2763.
Post, p. 833.

(3) \$20,000,000 shall be for the purpose of carrying out part E of title I (relating to special work and career development programs);

(4) \$811,300,000 shall be for the purpose of carrying out title II, of which \$398,000,000 shall be for the Project Headstart program described in section 222(a)(1), \$90,000,000 shall be for the Follow Through program described in section 222(a)(2), \$58,000,000 shall be for the Legal Services program described in section 222(a)(3), \$80,000,000 shall be for the Comprehensive Health Services program described in section 222(a)(4), \$62,500,000 shall be for the Emergency Food and Medical Services program described in section 222(a)(5), \$15,000,000 shall be for the Family Planning program described in section 222(a)(6), and \$8,800,000 shall be for the Senior Opportunities and Services program described in section 222(a)(7);

Post, p. 828.
42 USC 2809.

Post, p. 829.

Post, p. 829.

78 Stat. 524;
81 Stat. 709.
42 USC 2841.
81 Stat. 709.
42 USC 2861.

78 Stat. 528;
81 Stat. 714.
42 USC 2941.
81 Stat. 722.
42 USC 2991.

81 Stat. 688.
42 USC 2763.

Post, p. 833.

Infra.

Post, p. 829.

42 USC 2809.

Post, p. 829.

81 Stat. 709.
42 USC 2861.

81 Stat. 713.
42 USC 2931.

- (5) \$12,000,000 shall be for the purpose of carrying out part A of title III (relating to rural loans);
- (6) \$34,000,000 shall be for the purpose of carrying out part B of title III (relating to assistance for migrant and seasonal farmworkers);
- (7) \$16,000,000 shall be for the purpose of carrying out title VI (relating to administration and coordination); and
- (8) \$37,000,000 shall be for the purpose of carrying out title VIII (relating to VISTA).

If the amounts appropriated pursuant to subsection (a) of this section for any fiscal year are not sufficient to allocate the full amounts specified for each of the purposes set forth in clauses (1) through (8) of this subsection, then the amounts specified in each such clause shall be prorated to determine the allocations required for each such purpose.

(c) In addition to the amounts authorized to be appropriated pursuant to subsection (a) of this section, there are further authorized to be appropriated the following:

- (1) \$14,000,000 for the fiscal year ending June 30, 1971, to be used for the Special Impact programs described in part D of title I;
- (2) \$34,700,000 for the fiscal year ending June 30, 1971, to be used for the Special Work and Career Development programs described in part E of title I;
- (3) \$180,000,000 for the fiscal year ending June 30, 1971, to be used for the Project Headstart program described in section 222(a)(1);
- (4) \$32,000,000 for the fiscal year ending June 30, 1971, to be used for the Legal Services program described in section 222(a)(3);
- (5) \$80,000,000 for the fiscal year ending June 30, 1971, to be used for the Comprehensive Health Services program described in section 222(a)(4);
- (6) \$112,500,000 for the fiscal year ending June 30, 1971, to be used for the Emergency Food and Medical Services program described in section 222(a)(5);
- (7) \$15,000,000 for the fiscal year ending June 30, 1971, to be used for the Family Planning program described in section 222(a)(6);
- (8) \$3,200,000 for the fiscal year ending June 30, 1971, to be used for the Senior Opportunities and Services program described in section 222(a)(7);
- (9) \$15,000,000 for the fiscal year ending June 30, 1971, to be used for the program of assistance for migrant and seasonal farmworkers described in part B of title III; and
- (10) \$50,000,000 for the fiscal year ending June 30, 1971, to be used for Day Care projects described in part B of title V.

PARTICIPATION OF CHILDREN IN HEADSTART PROJECTS

81 Stat. 698.
42 USC 2809.

SEC. 103. Paragraph (1) of section 222(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sentences: "Pursuant to such regulations as the Director may prescribe, persons who are not members of low-income families may be permitted to receive services in projects assisted under this paragraph. A family which is not low income shall be required to make payment, or have payment made in its behalf, in whole or in part for such services where the family's income is, or becomes through employment or otherwise, such as to make such payment appropriate."

AMENDMENTS WITH RESPECT TO LEGAL SERVICES PROGRAM

SEC. 104. (a) Section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by striking out "counseling, education, and other appropriate services" and inserting in lieu thereof "legal counseling, education in legal matters, and other appropriate legal services".

81 Stat. 698.
42 USC 2809.

(b) Section 222(a)(3) of such Act is amended by adding at the end thereof the following: "Members of the Armed Forces, and members of their immediate families, shall be eligible to obtain legal services under such programs in cases of extreme hardship (determined in accordance with regulations of the Director issued after consultation with the Secretary of Defense): *Provided*, That nothing in this sentence shall be so construed as to require the Director to expand or enlarge existing programs or to initiate new programs in order to carry out the provisions of this sentence unless and until the Secretary of Defense assumes the cost of such services and has reached agreement with the Director on reimbursement for all such additional costs as may be incurred in carrying out the provisions of this sentence."

EMERGENCY FOOD AND MEDICAL SERVICES

SEC. 105. Section 222(a)(5) of the Economic Opportunity Act of 1964 is amended to read as follows:

"(5) A program to be known as 'Emergency Food and Medical Services' designed to provide on an emergency basis, directly or by delegation of authority pursuant to the provisions of title VI of this Act, financial assistance for the provision of such medical supplies and services, nutritional foodstuffs, and related services, as may be necessary to counteract conditions of starvation or malnutrition among the poor. Such assistance may be provided by way of supplement to such other assistance as may be extended under the provisions of other Federal programs, and may be used to extend and broaden such programs to serve economically disadvantaged individuals and families where such services are not now provided and without regard to the requirements of such laws for local or State administration or financial participation. In extending such assistance, the Director may make grants to community action agencies or local public or private nonprofit organizations or agencies to carry out the purposes of this paragraph. The Director is authorized to carry out the functions under this paragraph through the Secretary of Agriculture and the Secretary of Health, Education, and Welfare in a manner that will insure the availability of such medical supplies and services, nutritional foodstuffs, and related services through a community action agency where feasible, or other agencies or organizations if no such agency exists or is able to administer programs to provide such foodstuffs, medical services, and supplies to needy individuals and families."

81 Stat. 700;
82 Stat. 1019.
42 USC 2809.

78 Stat. 528;
81 Stat. 714.
42 USC 2941.

NEW SPECIAL EMPHASIS PROGRAMS AUTHORIZED

SEC. 106. Section 222(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new paragraphs:

81 Stat. 698;
82 Stat. 1019.
42 USC 2809.

"(8) An 'Alcoholic Counseling and Recovery' program designed to discover and treat the disease of alcoholism. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the

"Alcoholic
Counseling and
Recovery" pro-
gram.

individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as counselors, and emphasize the reentry of the alcoholic into society rather than the institutionalization of the alcoholic. Of the sums appropriated or allocated for programs authorized under this title, the Director shall reserve and make available not less than \$10,000,000 for the fiscal year ending June 30, 1970, and not less than \$15,000,000 for the fiscal year ending June 30, 1971, for the purpose of carrying out this program.

"Drug Rehabilitation" program.

(9) A 'Drug Rehabilitation' program designed to discover the causes of drug abuse and addiction, to treat narcotic and drug addiction and the dependence associated with drug abuse, and to rehabilitate the drug abuser and drug addict. Such program should deal with the abuse or addiction resulting from the use of narcotic drugs such as heroin, opium, and cocaine, stimulants such as amphetamines, depressants, marihuana, hallucinogens, and tranquilizers. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual drug abuser or addict, encourage the use of neighborhood facilities and the services of recovered drug abusers and addicts as counselors, and emphasize the reentry of the drug abuser and addict into society rather than his institutionalization. Of the sums appropriated or allocated for programs authorized under this title, the Director shall reserve and make available not less than \$5,000,000 for the fiscal year ending June 30, 1970, and not less than \$15,000,000 for the fiscal year ending June 30, 1971, for the purpose of carrying out this program."

TECHNICAL AMENDMENT REGARDING TIME OF APPROPRIATIONS OBLIGATION

81 Stat. 706.
42 USC 2834.

SEC. 107. (a) Section 242 of the Economic Opportunity Act of 1964 is amended by inserting after the first sentence thereof the following new sentence: "Funds to cover the costs of the proposed contract, agreement, grant, loan, or other assistance shall be obligated from the appropriation which is current at the time the plan is submitted to the Governor."

(b) All obligations under the Economic Opportunity Act of 1964 which have been heretofore recorded substantially as provided in the amendment made by subsection (a) of this section are hereby confirmed and ratified.

AMENDMENT OF RURAL LOAN PROGRAM

78 Stat. 524.
42 USC 2851.

SEC. 108. Section 302(a) of the Economic Opportunity Act of 1964 is amended by striking out "such families, and" and inserting "such families, or".

APPLICABILITY TO TRUST TERRITORY

81 Stat. 715.
42 USC 2949.

SEC. 109. Section 609(1) of the Economic Opportunity Act of 1964 is amended by striking out "and title II" and inserting ", title II, title III-A, and title IV".

AMENDMENT TO PROVIDE INCREASED FLEXIBILITY IN USE OF FUNDS

SEC. 110. Section 616 of the Economic Opportunity Act of 1964 is amended by—

81 Stat. 717.
42 USC 2966.

(1) inserting after the phrase “10 per centum” the first time it appears in such section, the following: “for fiscal years ending prior to July 1, 1970, and not to exceed 15 per centum for fiscal years ending thereafter;” and

(2) striking out “but no such transfer shall result in increasing the amounts otherwise available for any program or activity by more than 10 per centum” and inserting in lieu thereof the following: “but no such transfer shall result in increasing the amounts otherwise available for any program or activity by—

“(1) more than 100 per centum in the case of any program or activity for which the amounts otherwise available are \$10,000,000 or less; or

“(2) more than 35 per centum in the case of any program or activity for which the amounts otherwise available exceed \$10,000,000.”

ADEQUATE LEADTIME

SEC. 111. (a) Part A of title VI of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

78 Stat. 528;
81 Stat. 714.
42 USC 2941.

“ADVANCE FUNDING

“SEC. 622. For the purpose of affording adequate notice of funding available under this Act, appropriations for grants, contracts, or other payments under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.”

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

CREDITING SERVICE OF A VISTA VOLUNTEER

SEC. 112. (a) Section 8332 of title 5, United States Code, is amended as follows:

80 Stat. 567.

(1) in subsection (b)—

(A) strike out “and” at the end of clause (5);

(B) strike out the period at the end of clause (6) and insert in lieu thereof a semicolon and the word “and”; and

(C) add at the end thereof the following new clause:

“(7) a period of service of a volunteer under part A of title VIII of the Economic Opportunity Act of 1964 only if he later becomes subject to this subchapter.”

81 Stat. 722.
42 USC 2992-
2992b.

(2) in subsection (j)—

(A) after “1956,” in the first sentence, insert “the period of an individual’s services as a volunteer under part A of title VIII of the Economic Opportunity Act of 1964;”;

(B) before “volunteer or volunteer leader” in the second sentence, insert “volunteer under part A of title VIII of the Economic Opportunity Act of 1964 or as a”; and

81 Stat. 722.
42 USC 2992-
2992b.

42 USC 2994b.

80 Stat. 567.

74 Stat. 844.

60 Stat. 999;
74 Stat. 831.
22 USC 801
note.

Effective date.

(3) before the period at the end of the last sentence, insert a comma and the following: "and the period of an individual's service as a volunteer under part A of title VIII of the Economic Opportunity Act of 1964 is the period between enrollment as a volunteer and termination of that service by the Director of the Office of Economic Opportunity or by death or resignation".

(b) Section 833 of the Economic Opportunity Act of 1964 is amended by—

(1) striking out in subsection (a) "subsection (b)" and inserting in lieu thereof "section 8332 of title 5 of the United States Code, and subsections (b) and (c) of this section"; and

(2) adding at the end thereof the following new subsection:

"(c) Any period of service of a volunteer under part A of this title shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

"(1) for the purposes of section 852(a)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1092(a)(1)), and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

"(2) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Commission, the Foreign Service Act of 1946, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided*, That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment."

(c) The amendments made by subsections (a) and (b) of this section shall be effective as to all former volunteers employed by the United States Government on or after the effective date of this Act.

USE OF CLOSED JOB CORPS CENTERS FOR SPECIAL YOUTH PROGRAMS

SEC. 113. (a) Notwithstanding any other provision of law, the Director of the Office of Economic Opportunity shall establish procedures and make arrangements which are designed to assure that facilities and equipment at Job Corps centers which are being discontinued will, where feasible, be made available for use by State or Federal agencies and other public or private agencies, institutions, and organizations with satisfactory arrangements for utilizing such facilities and equipment for conducting programs, especially those providing opportunities for low-income disadvantaged youth, including, without limitation—

- (1) special remedial programs;
- (2) summer youth programs;
- (3) exemplary vocational preparation and training programs;
- (4) cultural enrichment programs, including music, the arts, and the humanities;
- (5) training programs designed to improve the qualifications of educational personnel, including instructors in vocational educational programs; and
- (6) youth conservation work and other conservation programs.

(b) To achieve the objectives of this section, the Director of the Office of Economic Opportunity shall consult with, elicit the cooperation of, and utilize the services of the Administrator of the General Services Administration, and the Secretaries of Agriculture, of the Interior, and of Labor.

PROVISION WITH RESPECT TO DIRECTOR'S AUTHORITY TO DELEGATE FUNCTIONS

SEC. 114. The authority of section 602(d) of the Economic Opportunity Act of 1964 shall not apply to the Legal Services program authorized under section 222(a)(3) of such Act. The Director of the Office of Economic Opportunity shall not delegate the program authorized under such section 222(a)(3) to any other existing Federal agency.

78 Stat. 529;
80 Stat. 1468.
42 USC 2942.
Ante, p. 829.

AMENDMENT WITH RESPECT TO WITHHOLDING CERTAIN FEDERAL TAXES BY ANTIPOVERTY AGENCIES

SEC. 115. Upon notice from the Secretary of the Treasury or his delegate that any person otherwise entitled to receive a payment made pursuant to a grant, contract, agreement, loan or other assistance made or entered into under the Economic Opportunity Act of 1964 is delinquent in paying or depositing (1) the taxes imposed on such person under chapters 21 and 23 of the Internal Revenue Code of 1954, or (2) the taxes deducted and withheld by such person under chapters 21 and 24 of such Code, the Director of the Office of Economic Opportunity shall suspend such portion of such payment due to such person, which, if possible, is sufficient to satisfy such delinquency, and shall not make or enter into any new grant, contract, agreement, loan or other assistance under such Act with such person until the Secretary of the Treasury or his delegate has notified him that such person is no longer delinquent in paying or depositing such tax or the Director of the Office of Economic Opportunity determines that adequate provision has been made for such payment. In order to effectuate the purpose of this section on a reasonable basis the Secretary of the Treasury and the Director of the Office of Economic Opportunity shall consult on a quarterly basis.

78 Stat. 508.
42 USC 2701
note.
26 USC 3101,
3301.
26 USC 3401.

TITLE II—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

SEC. 201. Title I of the Economic Opportunity Act of 1964 is amended by redesignating part E as part F, by renumbering section 161 (as amended by this Act) as section 171, and by inserting after part D the following new part:

80 Stat. 1456;
81 Stat. 726.
42 USC 2771.
81 Stat. 688.
42 USC 2763-
2768.

"PART E—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 161. The Congress finds that the 'Mainstream' program aimed primarily at the chronically unemployed and the 'New Careers' program providing jobs for the unemployed and low-income persons leading to broader career opportunities are uniquely effective; that, in addition to providing persons assisted with jobs, the key to their economic independence, these programs are of advantage to the

"Mainstream"
program.

community at large in that they are directed at community beautification and betterment and the improvement of health, education, welfare, public safety, and other public services; and that, while these programs are important and necessary components of comprehensive work and training programs, there is a need to encourage imaginative and innovative use of these programs, to enlarge the authority to operate them, and to increase the resources available for them.

“SPECIAL PROGRAMS

Work and training programs.

“SEC. 162. (a) The Director is authorized to provide financial assistance to public or private nonprofit agencies to stimulate and support efforts to provide the unemployed with jobs and the low-income worker with greater career opportunity. Programs authorized under this section shall include the following:

“(1) A special program to be known as ‘Mainstream’ which involves work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable, because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise, to secure appropriate employment or training assistance under other programs, and which, in addition to other services provided, will enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including without limitation activities which will contribute to the management conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands, the rehabilitation of housing, the improvement of public facilities, and the improvement and expansion of health, education, day care, and recreation services;

“New Careers” program.

“(2) A special program to be known as ‘New Careers’ which will provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served in fields of public service, including without limitation health, education, welfare, recreation, day care, neighborhood redevelopment, and public safety, which provide maximum prospects for on-the-job training, promotion, and advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement.

Supportive services.

“(b) The Director is authorized to provide financial and other assistance to insure the provision of supportive and follow-up services to supplement programs under this part including health services, counseling, day care for children, transportation assistance, and other special services necessary to assist individuals to achieve success in these programs and in employment.

“ADMINISTRATIVE REGULATIONS

“SEC. 163. The Director shall prescribe regulations to assure that programs under this part have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds.

"SPECIAL CONDITIONS"

"SEC. 164. (a) The Director shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

"(1) no participant will be employed on projects involving political parties, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

"(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

"(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant; and

"(4) the program will, to the maximum extent feasible, contribute to the occupational development and upward mobility of individual participants.

"(b) For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

"(c) Programs approved under this part shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement.

"(d) Projects under this part shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

"PROGRAM PARTICIPANTS"

"SEC. 165. (a) Participants in programs under this part must be unemployed or low-income persons. The Director, in consultation with the Commissioner of Social Security, shall establish criteria for low income, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors. Any individual shall be deemed to be from a low-income family if the family receives cash welfare payments.

Low income
criteria.

"(b) Participants must be permanent residents of the United States or of the Trust Territory of the Pacific Islands.

"(c) Participants shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.

Federal employ-
ment laws, non-
applicability.

"EQUITABLE DISTRIBUTION OF ASSISTANCE"

"SEC. 166. The Director shall establish criteria designed to achieve an equitable distribution of assistance among the States. In developing those criteria, he shall consider, among other relevant factors, the ratios of population, unemployment, and family income levels. Of the sums appropriated or allocated for any fiscal year for programs authorized under this part not more than $12\frac{1}{2}$ per centum shall be used within any one State.

“LIMITATIONS ON FEDERAL ASSISTANCE

81 Stat. 687.
42 USC 2748.

“SEC. 167. Programs assisted under this part shall be subject to the provisions of section 131 of this Act.”

Approved December 30, 1969.

Public Law 91-178**AN ACT**

December 30, 1969
[H. R. 9334]

To amend title 38, United States Code, to promote the care and treatment of veterans in State veterans' homes.

Veterans.
Care and treat-
ment in State
homes.
Payments.
82 Stat. 448.

72 Stat. 1141,
1142; 76 Stat.
381; 80 Stat. 27.

Supra; 72 Stat.
1146.
38 USC 641-643.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 641 of title 38, United States Code, is amended to read as follows:

“The Administrator shall pay each State at the per diem rate of—
 “(1) \$3.50 for domiciliary care,
 “(2) \$5 for nursing home care, and
 “(3) \$7.50 for hospital care,

for each veteran of any war receiving such care in a State home, if, in the case of such a veteran receiving domiciliary or hospital care, such veteran is eligible for such care in a Veterans' Administration facility, or if, in the case of such a veteran receiving nursing home care, such veteran meets the requirements of paragraph (1), (2), or (3) of section 610(a) of this title, except that the requirements of clause (B) of such paragraph (1) shall for this purpose refer to the inability to defray the expenses of necessary nursing home care; however, in no case shall the payments made with respect to any veteran under this section exceed one-half of the cost of the veteran's care in such State home.”

SEC. 2. (a) Subchapter V of chapter 17 of title 38, United States Code, is amended by adding at the end thereof the following new section:

“§ 644. Authorization of appropriations

“(a) There is hereby authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1970, and a like sum for each of the nine succeeding fiscal years. Subject to the conditions set forth in subsection (b) of this section, sums appropriated pursuant to this section shall be used for making grants to States which have submitted, and have had approved by the Administrator, applications for assistance in remodeling, modification, or alteration of existing hospital or domiciliary facilities in State homes providing care and treatment for veterans.

“(b) The amount which may be granted to a State home for purposes of subsection (a) shall not exceed 50 per centum of the estimated cost of the project, nor may any one State receive in any fiscal year more than 20 per centum of the amount appropriated for that fiscal year.

“(c) Grants under this section shall be made on such terms and conditions prescribed in regulations by the Administrator.

“(d) Sums appropriated pursuant to subsection (a) of this section shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated.”

(b) The analysis of chapter 17 of title 38, United States Code, is ^{38 USC 601-}
amended by inserting immediately below ^{643.}

"**643. Applications.**"

the following:

"**644. Authorization of appropriations.**".

Approved December 30, 1969.

Public Law 91-179

AN ACT

To amend section 1401a(b) of title 10, United States Code, relating to adjustments
of retired pay to reflect changes in Consumer Price Index.

December 30, 1969
[H. R. 14227]

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled, That the second
sentence of section 1401a(b) of title 10, United States Code, is amended
to read as follows: "If the Secretary determines that, for three con-
secutive months, the amount of the increase is at least 3 per centum
over the base index, the retired pay and retainer pay of members and
former members of the armed forces who become entitled to that pay
before the first day of the third calendar month beginning after the
end of those three months shall, except as provided in subsection (c),
be increased, effective on that day, by the per centum obtained by add-
ing 1 per centum and the highest per centum of increase in the index
during those months, adjusted to the nearest one-tenth of 1 per
centum."*

Armed Forces.
Retired pay,
adjustment.
81 Stat. 652.

SEC. 2. The provisions of this Act become effective on October 31,
1969.

Effective date.

Approved December 30, 1969.

Public Law 91-180

AN ACT

To continue for two additional years the duty-free status of certain gifts by
members of the Armed Forces serving in combat zones.

December 30, 1969
[H. R. 15071]

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled, That (a) item 915.25
of the appendix to the Tariff Schedules of the United States (19 U.S.C.
1202) is amended by striking out "On or before 12/31/69" and insert-
ing in lieu thereof "On or before 12/31/71".*

Armed Forces.
Gifts, duty-free
status.
80 Stat. 71;
81 Stat. 776.

(b) The amendment made by subsection (a) shall apply with
respect to articles entered, or withdrawn from warehouse, for con-
sumption on or after January 1, 1970.

Approved December 30, 1969.

Public Law 91-181

December 30, 1969

[S. 740]

AN ACT

To establish the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes.

Cabinet Committee on Opportunities for Spanish-Speaking People.

Establishment.

Members.

Chairman, appointment.

Compensation.

Post, p. 864.

Meetings.
Functions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to assure that Federal programs are reaching all Mexican Americans, Puerto Rican Americans, Cuban Americans, and all other Spanish-speaking and Spanish-surnamed Americans and providing the assistance they need, and to seek out new programs that may be necessary to handle problems that are unique to such persons.

SEC. 2. (a) There is hereby established the Cabinet Committee on Opportunities for Spanish-Speaking People (hereinafter referred to as the "Committee").

(b) The Committee shall be composed of—

- (1) the Secretary of Agriculture;
- (2) the Secretary of Commerce;
- (3) the Secretary of Labor;
- (4) the Secretary of Health, Education, and Welfare;
- (5) the Secretary of Housing and Urban Development;
- (6) the Secretary of the Treasury;
- (7) the Attorney General;
- (8) the Director of the Office of Economic Opportunity;
- (9) the Administrator of the Small Business Administration;
- (10) the Commissioner of the Equal Employment Opportunity Commission most concerned with the Spanish-speaking and Spanish-surnamed Americans;
- (11) the Chairman of the Civil Service Commission; and
- (12) the Chairman of the Committee, who shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are recognized for their knowledge of and familiarity with the special problems and needs of the Spanish speaking.

(c) The Chairman may invite the participation in the activities of the Committee of any executive department or agency not represented on the Committee, when matters of interest to such executive department or agency are under consideration.

(d) (1) The Chairman of the Committee shall not concurrently hold any other office or position of employment with the United States, but shall serve in a full-time capacity as the chief officer of the Committee.

(2) The Chairman of the Committee shall receive compensation at the rate prescribed for level V of the Executive Schedule by section 5316 of title 5, United States Code.

(3) The Chairman of the Committee shall designate one of the other Committee members to serve as acting Chairman during the absence or disability of the Chairman.

(e) The Committee shall meet at least quarterly during each year.

SEC. 3. (a) The Committee shall have the following functions:

- (1) to advise Federal departments and agencies regarding appropriate action to be taken to help assure that Federal programs are providing the assistance needed by Spanish-speaking and Spanish-surnamed Americans; and

(2) to advise Federal departments and agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of Spanish-speaking and Spanish-surnamed Americans, and on priorities thereunder.

(b) In carrying out its functions, the Committee may foster such surveys, studies, research, and demonstration and technical assistance projects, establish such relationships with State and local governments and the private sector, and promote such participation of State and local governments and the private sector as may be appropriate to identify and assist in solving the special problems of Spanish-speaking and Spanish-surnamed Americans.

SEC. 4. (a) The Committee is authorized to prescribe rules and regulations as may be necessary to carry out the provisions of this Act.

Rules and regulations.

(b) The Committee shall consult with and coordinate its activities with appropriate Federal departments and agencies and shall utilize the facilities and resources of such departments and agencies to the maximum extent possible in carrying out its functions.

Coordination.

(c) The Committee is authorized in carrying out its functions to enter into agreements with Federal departments and agencies as appropriate.

Agreements.

SEC. 5. The Committee is authorized to request directly from any Federal department or agency any information it deems necessary to carry out its functions under this Act, and to utilize the services and facilities of such department or agency; and each Federal department or agency is authorized to furnish such information, services, and facilities to the Committee upon request of the Chairman to the extent permitted by law and within the limits of available funds.

Personnel, compensation.

SEC. 6. (a) The Chairman shall appoint and fix the compensation of such personnel as may be necessary to carry out the functions of the Committee and may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals not in excess of the daily equivalent paid for positions under GS-18 of the General Schedule under section 5332 of such title.

80 Stat. 416.

(b) Federal departments and agencies, in their discretion, may detail to temporary duty with the Committee such personnel as the Chairman may request for carrying out the functions of the Committee, each such detail to be without loss of seniority, pay, or other employee status.

5 USC 5332 note.

SEC. 7. (a) There is established an Advisory Council on Spanish-Speaking Americans (hereinafter referred to as the Advisory Council) composed of nine members appointed by the President from among individuals who are representative of the Mexican American, Puerto Rican American, Cuban American, and other elements of the Spanish-speaking and Spanish-surnamed community in the United States. In making such appointments the President shall give due consideration to any recommendations submitted by the Committee.

Advisory Council on Spanish-Speaking Americans.

Establishment.

(b) The Advisory Council shall advise the Committee with respect to such matters as the Chairman of the Committee may request. The President shall designate the Chairman and Vice Chairman of the Advisory Council. The Advisory Council is authorized to—

Chairman and Vice Chairman, Designation.

(1) appoint and fix the compensation of such personnel, and
 (2) obtain the services of such experts and consultants in accordance with section 3109 of title 5, at rates for individuals not in excess of the daily equivalent paid for positions under GS-18 of the General Schedule under section 5302 of such title, as may be necessary to carry out its functions.

Council, compensation.

Travel expenses, etc.

80 Stat. 525.
5 USC 7321-
7327.

Appropriation.

Report to
President and
Congress.

Expiration date.

(c) Each member of the Advisory Council who is appointed from private life shall receive \$100 a day for each day during which he is engaged in the actual performance of his duties as a member of the Council. A member of the Council who is an officer or employee of the Federal Government shall serve without additional compensation. All members of the Council shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

SEC. 8. Nothing in this legislation shall be construed to restrict or infringe upon the authority of any Federal department or agency.

SEC. 9. Subchapter III of chapter 73 of title 5, United States Code, shall apply to the employees of the Committee and the employees of the Advisory Council.

SEC. 10. There are hereby authorized to be appropriated for fiscal years 1970 and 1971 such sums as may be necessary to carry out the provisions of this Act, and any funds heretofore and hereafter made available for expenses of the Interagency Committee on Mexican-American Affairs established by the President's memorandum of June 9, 1967, shall be available for the purposes of this Act.

SEC. 11. The Committee shall, as soon as practicable, after the end of each fiscal year, submit a report to the President and the Congress of its activities for the preceding year, including in such report any recommendations the Committee deems appropriate to accomplish the purposes of this Act.

SEC. 12. This Act shall expire five years after it becomes effective.

Approved December 30, 1969.

Public Law 91-182

December 30, 1969
[H. J. Res. 1041]

JOINT RESOLUTION

Establishing that the second regular session of the Ninety-first Congress convene at noon on Monday, January 19, 1970.

91st Congress,
Second session.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second regular session of the Ninety-first Congress shall begin at noon on Monday, January 19, 1970.

Approved December 30, 1969.

Public Law 91-183

December 30, 1969
[H. R. 944]

AN ACT

To amend section 404(d) of title 37, United States Code, by increasing the maximum rates of per diem allowance and reimbursement authorized, under certain circumstances, to meet the actual expenses of travel.

Per diem,
increase.
76 Stat. 472;
80 Stat. 1122.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 404(d) of title 37, United States Code, is amended by striking out "\$16" and "\$30", respectively, and inserting in place thereof "\$25" and "\$40".

Approved December 30, 1969.

Public Law 91-184

AN ACT

To provide for continuation of authority for regulation of exports.

December 30, 1969
[H. R. 4293]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Export Administration Act of 1969.

SHORT TITLE

SECTION 1. This Act may be cited as the "Export Administration Act of 1969".

FINDINGS

SEC. 2. The Congress makes the following findings:

(1) The availability of certain materials at home and abroad varies so that the quantity and composition of United States exports and their distribution among importing countries may affect the welfare of the domestic economy and may have an important bearing upon fulfillment of the foreign policy of the United States.

(2) The unrestricted export of materials, information, and technology without regard to whether they make a significant contribution to the military potential of any other nation or nations may adversely affect the national security of the United States.

(3) The unwarranted restriction of exports from the United States has a serious adverse effect on our balance of payments.

(4) The uncertainty of policy toward certain categories of exports has curtailed the efforts of American business in those categories to the detriment of the overall attempt to improve the trade balance of the United States.

DECLARATION OF POLICY

SEC. 3. The Congress makes the following declarations:

(1) It is the policy of the United States both (A) to encourage trade with all countries with which we have diplomatic or trading relations, except those countries with which such trade has been determined by the President to be against the national interest, and (B) to restrict the export of goods and technology which would make a significant contribution to the military potential of any other nation or nations which would prove detrimental to the national security of the United States.

(2) It is the policy of the United States to use export controls (A) to the extent necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of abnormal foreign demand, (B) to the extent necessary to further significantly the foreign policy of the United States and to fulfill its international responsibilities, and (C) to the extent necessary to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States.

Export controls.

(3) It is the policy of the United States (A) to formulate, reformulate, and apply any necessary controls to the maximum extent possible in cooperation with all nations with which the United States has defense treaty commitments, and (B) to formulate a unified trade control policy to be observed by all such nations.

(4) It is the policy of the United States to use its economic resources and trade potential to further the sound growth and stability of its economy as well as to further its national security and foreign policy objectives.

Restrictive
trade practices
or boycotts.

(5) It is the policy of the United States (A) to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States, and (B) to encourage and request domestic concerns engaged in the export of articles, materials, supplies, or information, to refuse to take any action, including the furnishing of information or the signing of agreements, which has the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against another country friendly to the United States.

AUTHORITY

SEC. 4. (a) (1) The Secretary of Commerce shall institute such organizational and procedural changes in any office or division of the Department of Commerce which has heretofore exercised functions relating to the control of exports and continues to exercise such controls under this Act as he determines are necessary to facilitate and effectuate the fullest implementation of the policy set forth in this Act with a view to promoting trade with all nations with which the United States is engaged in trade, including trade with (A) those countries or groups of countries with which other countries or groups of countries having defense treaty commitments with the United States have a significantly larger percentage of volume of trade than does the United States, and (B) other countries eligible for trade with the United States but not significantly engaged in trade with the United States. In addition, the Secretary shall review any list of articles, materials, or supplies, including technical data or other information, the exportation of which from the United States, its territories and possessions, was heretofore prohibited or curtailed with a view to making promptly such changes and revisions in such list as may be necessary or desirable in furtherance of the policy, purposes, and provisions of this Act. The Secretary shall include a detailed statement with respect to actions taken in compliance with the provisions of this paragraph in the second quarterly report (and in any subsequent report with respect to actions taken during the preceding quarter) made by him to the Congress after the date of enactment of this Act pursuant to section 10.

(2) The Secretary of Commerce shall use all practicable means available to him to keep the business sector of the Nation fully apprised of changes in export control policy and procedures instituted in conformity with this Act with a view to encouraging the widest possible trade.

(b) To effectuate the policies set forth in section 3 of this Act, the President may prohibit or curtail the exportation from the United States, its territories and possessions, of any articles, materials, or supplies, including technical data or any other information, except under such rules and regulations as he shall prescribe. To the extent necessary to achieve effective enforcement of this Act, these rules and regulations may apply to the financing, transporting, and other servicing of exports and the participation therein by any person. Rules and

Presidential
determination.

regulations may provide for denial of any request or application for authority to export articles, materials, or supplies, including technical data, or any other information, from the United States, its territories and possessions, to any nation or combination of nations threatening the national security of the United States if the President determines that their export would prove detrimental to the national security of the United States, regardless of their availability from nations other than any nation or combination of nations threatening the national security of the United States, but whenever export licenses are required on the ground that considerations of national security override considerations of foreign availability, the reasons for so doing shall be reported to the Congress in the quarterly report following the decision to require such licenses on that ground to the extent considerations of national security and foreign policy permit. The rules and regulations shall implement the provisions of section 3(5) of this Act and shall require that all domestic concerns receiving requests for the furnishing of information or the signing of agreements as specified in that section must report this fact to the Secretary of Commerce for such action as he may deem appropriate to carry out the purposes of that section.

Report to Congress.

Report.

(c) Nothing in this Act, or in the rules and regulations authorized by it, shall in any way be construed to require authority and permission to export articles, materials, supplies, data, or information except where the national security, the foreign policy of the United States, or the need to protect the domestic economy from the excessive drain of scarce materials makes such requirement necessary.

(d) The President may delegate the power, authority, and discretion conferred upon him by this Act to such departments, agencies, or officials of the Government as he may deem appropriate.

(e) The authority conferred by this section shall not be exercised with respect to any agricultural commodity, including fats and oils, during any period for which the supply of such commodity is determined by the Secretary of Agriculture to be in excess of the requirements of the domestic economy, except to the extent required to effectuate the policies set forth in clause (B) or (C) of paragraph (2) of section 3 of this Act.

Agricultural commodities, exception.

CONSULTATION AND STANDARDS

SEC. 5. (a) In determining what shall be controlled hereunder, and in determining the extent to which exports shall be limited, any department, agency, or official making these determinations shall seek information and advice from the several executive departments and independent agencies concerned with aspects of our domestic and foreign policies and operations having an important bearing on exports. Consistent with considerations of national security, the President shall from time to time seek information and advice from various segments of private industry in connection with the making of these determinations.

(b) In authorizing exports, full utilization of private competitive trade channels shall be encouraged insofar as practicable, giving consideration to the interests of small business, merchant exporters as well as producers, and established and new exporters, and provision shall be

made for representative trade consultation to that end. In addition, there may be applied such other standards or criteria as may be deemed necessary by the head of such department, or agency, or official to carry out the policies of this Act.

VIOLATIONS

Penalty.

Communist-dominated nations, export prohibition; penalty.

SEC. 6. (a) Except as provided in subsection (b) of this section, whoever knowingly violates any provision of this Act or any regulation, order, or license issued thereunder shall be fined not more than \$10,000 or imprisoned not more than one year, or both. For a second or subsequent offense, the offender shall be fined not more than three times the value of the exports involved or \$20,000, whichever is greater, or imprisoned not more than five years, or both.

(b) Whoever willfully exports anything contrary to any provision of this Act or any regulation, order, or license issued thereunder, with knowledge that such exports will be used for the benefit of any Communist-dominated nation, shall be fined not more than five times the value of the exports involved or \$20,000, whichever is greater, or imprisoned not more than five years, or both.

(c) The head of any department or agency exercising any functions under this Act, or any officer or employee of such department or agency specifically designated by the head thereof, may impose a civil penalty not to exceed \$1,000 for each violation of this Act or any regulation, order, or license issued under this Act, either in addition to or in lieu of any other liability or penalty which may be imposed.

(d) The payment of any penalty imposed pursuant to subsection (c) may be made a condition, for a period not exceeding one year after the imposition of such penalty, to the granting, restoration, or continuing validity of any export license, permission, or privilege granted or to be granted to the person upon whom such penalty is imposed.

(e) Any amount paid in satisfaction of any penalty imposed pursuant to subsection (c) shall be covered into the Treasury as a miscellaneous receipt. The head of the department or agency concerned may, in his discretion, refund any such penalty, within two years after payment, on the ground of a material error of fact or law in the imposition. Notwithstanding section 1346(a) of title 28 of the United States Code, no action for the refund of any such penalty may be maintained in any court.

(f) In the event of the failure of any person to pay a penalty imposed pursuant to subsection (c), a civil action for the recovery thereof may, in the discretion of the head of the department or agency concerned, be brought in the name of the United States. In any such action, the court shall determine de novo all issues necessary to the establishment of liability. Except as provided in this subsection and in subsection (d), no such liability shall be asserted, claimed, or recovered upon by the United States in any way unless it has previously been reduced to judgment.

(g) Nothing in subsection (c), (d), or (f) limits

(1) the availability of other administrative or judicial remedies

with respect to violations of this Act, or any regulation, order, or license issued under this Act;

(2) the authority to compromise and settle administrative proceedings brought with respect to violations of this Act, or any regulation, order, or license issued under this Act; or

(3) the authority to compromise, remit, or mitigate seizures and forfeitures pursuant to section 1(b) of title VI of the Act of June 15, 1917 (22 U.S.C. 401(b)).

67 Stat. 577.

ENFORCEMENT

SEC. 7. (a) To the extent necessary or appropriate to the enforcement of this Act or to the imposition of any penalty, forfeiture, or liability arising under the Export Control Act of 1949, the head of any department or agency exercising any function thereunder (and officers or employees of such department or agency specifically designated by the head thereof) may make such investigations and obtain such information from, require such reports or the keeping of such records by, make such inspection of the books, records, and other writings, premises, or property of, and take the sworn testimony of, any person. In addition, such officers or employees may administer oaths or affirmations, and may by subpena require any person to appear and testify or to appear and produce books, records, and other writings, or both, and in the case of contumacy by, or refusal to obey a subpena issued to, any such person, the district court of the United States for any district in which such person is found or resides or transacts business, upon application, and after notice to any such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce books, records, and other writings, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

63 Stat. 7.
50 USC app.
2021 note.
Ante, p. 169.

Recordkeeping.

Subpena power.
Availability of
records.

(b) No person shall be excused from complying with any requirements under this section because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893 (27 Stat. 443; 49 U.S.C. 46) shall apply with respect to any individual who specifically claims such privilege.

Self-incrimi-
nation, exception.

(c) No department, agency, or official exercising any functions under this Act shall publish or disclose information obtained hereunder which is deemed confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless the head of such department or agency determines that the withholding thereof is contrary to the national interest.

Disclosure of
confidential infor-
mation, prohibi-
tion.

(d) In the administration of this Act, reporting requirements shall be so designed as to reduce the cost of reporting, recordkeeping, and export documentation required under this Act to the extent feasible consistent with effective enforcement and compilation of useful trade statistics. Reporting, recordkeeping, and export documentation requirements shall be periodically reviewed and revised in the light of developments in the field of information technology. A detailed statement with respect to any action taken in compliance with this subsection shall be included in the first quarterly report made pursuant to section 10 after such action is taken.

EXEMPTION FROM CERTAIN PROVISIONS RELATING TO ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

80 Stat. 381,
392.

SEC. 8. The functions exercised under this Act are excluded from the operation of sections 551, 553-559, and 701-706, of title 5 United States Code.

INFORMATION TO EXPORTERS

SEC. 9. In order to enable United States exporters to coordinate their business activities with the export control policies of the United States Government, the agencies, departments, and officials responsible for implementing the rules and regulations authorized under this Act shall, if requested, and insofar as it is consistent with the national security, the foreign policy of the United States, the effective administration of this Act, and requirements of confidentiality contained in this Act—

- (1) inform each exporter of the considerations which may cause his export license request to be denied or to be the subject of lengthy examination;
- (2) in the event of undue delay, inform each exporter of the circumstances arising during the Government's consideration of his export license application which are cause for denial or for further examination;
- (3) give each exporter the opportunity to present evidence and information which he believes will help the agencies, departments, and officials concerned to resolve any problems or questions which are, or may be, connected with his request for a license; and
- (4) inform each exporter of the reasons for a denial of an export license request.

QUARTERLY REPORT

SEC. 10. The head of any department or agency, or other official exercising any functions under this Act, shall make a quarterly report, within 45 days after each quarter, to the President and to the Congress of his operations hereunder.

"Person."

SEC. 11. The term "person" as used in this Act includes the singular and the plural and any individual, partnership, corporation, or other form of association, including any government or agency thereof.

EFFECTS ON OTHER ACTS

50 USC 86-88
note.

68 Stat. 848.

SEC. 12. (a) The Act of February 15, 1936 (49 Stat. 1140), relating to the licensing of exports of tinplate scrap, is hereby superseded; but nothing contained in this Act shall be construed to modify, repeal, supersede, or otherwise affect the provisions of any other laws authorizing control over exports of any commodity.

(b) The authority granted to the President under this Act shall be exercised in such manner as to achieve effective coordination with the authority exercised under section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934).

EFFECTIVE DATE

SEC. 13. (a) This Act takes effect upon the expiration of the Export Control Act of 1949.

Ante, p. 169.

(b) All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 or section 6 of the Act of July 2, 1940 (54 Stat. 714), shall, until amended or revoked, remain in full force and effect, the same as if promulgated under this Act.

50 USC app.
701 note.**TERMINATION DATE**

SEC. 14. The authority granted by this Act terminates on June 30, 1971, or upon any prior date which the Congress by concurrent resolution or the President by proclamation may designate.

Approved December 30, 1969.

Public Law 91-185

AN ACT

To amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes.

December 30, 1969
[H. R. 14571]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

SECTION 1. Section 211(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (78 Stat. 1043; 50 U.S.C. 403 note), is further amended by striking out “Six and one-half per centum” in the first sentence and inserting “Seven per centum”.

Central Intelligence Agency Retirement Act of 1964 for Certain Employees, amendment.

SEC. 2. Section 221 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended:

Average pay computation.
78 Stat. 1045.

(a) by striking out in paragraph (a) “five consecutive years of service,” and inserting “three consecutive years of service (or, in the case of an annuity computed under section 232 and based on less than three years, over the total service);”;

(b) by striking out from the first sentence of paragraph (b) “or remarriage of such surviving wife or husband” and inserting “or upon remarriage prior to attaining age sixty of such surviving wife or husband”;

(c) by striking out in paragraph (c) the items “40 per centum”, “\$600”, “\$1,800”, “50 per centum”, “\$720”, and “\$2,160”, and inserting “60 per centum”, “\$900”, “\$2,700”, “75 per centum”, “\$1,080”, and “\$3,240”;

(d) by adding new paragraph (g):

“(g) In the case of remarriage on or after age sixty an annuity shall be payable if remarriage has occurred on or after July 18, 1966, and

Remarriage provisions.

if the surviving wife or husband, immediately before such remarriage, was receiving an annuity from the Central Intelligence Agency Retirement and Disability Fund. The annuity of a surviving spouse terminated as a result of remarriage which occurred prior to age sixty and on or after July 18, 1966, shall be restored at the same rate commencing on the day the remarriage is dissolved by death, annulment, or divorce, if—

“(1) the surviving spouse elects to receive this annuity instead of a survivor benefit to which he may be entitled, under this or another retirement system for Government employees, by reason of the remarriage; and

“(2) any lump sum paid on termination of the annuity is returned to the fund.

No annuity shall be paid by reason of this paragraph for any period prior to October 20, 1969. No annuity shall be terminated solely by reason of the enactment of this paragraph.”; and

(e) by adding new paragraph (h) :

“(h) In computing an annuity under this section the service credit of a participant who retires, except under section 231, on an immediate annuity or dies leaving a survivor or survivors entitled to annuity includes, without regard to the limitations imposed by paragraph (a), the days of unused sick leave to his credit under a formal leave system, except that these days will not be counted in determining average basic salary or annuity eligibility. The contribution specified in section 252 shall not be required for days of unused sick leave credited under this paragraph.”.

Unused sick
leave credit.
50 USC 403
note.

78 Stat. 1046.

SEC. 3. Section 231(a) of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended by striking “, but this provision shall not increase the annuity of any survivor” from the last sentence.

SEC. 4. (a) Section 232(b) of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended:

(1) by striking “five years” and inserting “eighteen months”

(2) by inserting, after “221(a)”, “, except that the computation of the annuity of the participant under such section shall be at least the smaller of (i) 40 per centum of the participant’s average basic salary, or (ii) the sum obtained under such section after increasing the participant’s service of the type last performed by the difference between his age at the time of death and age sixty”; and

(3) by striking “remarriage of the widow or dependent widower” and inserting “upon remarriage prior to attaining age sixty of the widow or dependent widower (subject to the payment and restoration provisions of section 221(g))”.

(b) Sections 232 (c) and (d) are amended by striking “five years” and inserting “eighteen months”.

SEC. 5. Section 291 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended:

Cost-of-living
adjustment.
82 Stat. 902.

- (a) by inserting "1 per centum plus" immediately after the word "by" in paragraph (a)(2); and
- (b) by amending paragraphs (b)(2) and (b)(3) to read:

"(2) For the purpose of computing the annuity of a child under section 221(c) that commences after October 31, 1969, the items \$900, \$1,080, \$2,700, and \$3,240 appearing in section 221(c) shall be increased by the total per centum increases allowed and in force under this section on or after such day, and, in case of a deceased annuitant, the items 60 per centum and 75 per centum appearing in section 221(c) shall be increased by the total per centum allowed and in force to the annuitant under this section on or after such day.

78 Stat. 1045.

"(3) The annuity of each surviving child receiving an annuity under section 221 immediately prior to November 1, 1969, shall be recomputed effective November 1, 1969, in accordance with paragraph (b)(2). No increase allowed and in force prior to such date under section 291 shall be included in the recomputation of any such annuity, and this paragraph shall not operate to reduce any annuity."

SEC. 6. (a) The amendments made by section 1 shall become effective at the beginning of the first applicable pay period beginning after December 31, 1969.

Effective dates.

(b) The amendments made by sections 3, 4, and 2, with the exception of 2(c), shall become effective October 20, 1969.

(c) The amendments made by sections 2(c) and 5 shall become effective November 1, 1969.

(d) The amendments made by sections 2(a), 2(e), 3, and 4(a)(1)—(2) shall not apply in the cases of persons retired or otherwise separated prior to October 20, 1969, and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if such sections had not been enacted.

Certain persons,
exception.

Approved December 30, 1969.

Public Law 91-186

JOINT RESOLUTION

To authorize appropriations for expenses of the Office of Intergovernmental Relations, and for other purposes.

December 30, 1969
[S. J. Res. 117]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated such sums as may be necessary for expenses of the Office of Intergovernmental Relations (referred to hereafter as the "Office"), established by Executive Order Numbered 11455 of February 14, 1969.

Office of Inter-
governmental
Relations.
Appropriation
authorization.

SEC. 2. The Director of the Office shall be compensated at a rate of basic compensation not to exceed the rate now or hereafter provided for level IV of the Federal Executive Salary Schedule.

3 CFR 1969
Comp., p. 105.

SEC. 3. The Director of the Office is authorized—

Post, p. 864.

(1) to appoint such personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive services; and

(2) to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate now or hereafter provided for GS-18.

80 Stat. 416.

Approved December 30, 1969.

5 USC 5332
note.

Public Law 91-187

December 30, 1969
[S. 2325]

Federal employees.
Supergrade positions.
80 Stat. 878.

73 Stat. 63;
80 Stat. 878.

5 USC 5332
note.

December 30, 1969
[H. J. Res. 1040]

Economic Report.
60 Stat. 24;
70 Stat. 289.

60 Stat. 25;
62 Stat. 16.

AN ACT

To amend title 5, United States Code, to provide for additional positions in grades GS-16, GS-17, and GS-18.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That (a) section 5108(a) of title 5, United States Code, is amended by striking out "2,577" and inserting in lieu thereof "2,727".

(b) Section 5108(b)(2) of such title is amended by striking out "28" and inserting in lieu thereof "44".

(c) Section 5108(c)(1) of such title is amended by striking out "64" and inserting in lieu thereof "90".

(d) Section 5108(c)(2) of such title is amended by striking out "110" and inserting in lieu thereof "140".

SEC. 2. Section 4 of the Act entitled "An Act to provide certain administrative authorities for the National Security Agency, and for other purposes", approved May 29, 1959, as amended (50 U.S.C. 402, note), is amended to read as follows:

"SEC. 4. The Secretary of Defense (or his designee for the purpose) is authorized to—

"(1) establish in the National Security Agency (A) professional engineering positions primarily concerned with research and development and (B) professional positions in the physical and natural sciences, medicine, and cryptology; and

"(2) fix the respective rates of pay of such positions at rates equal to rates of basic pay contained in grades 16, 17, and 18 of the General Schedule set forth in section 5332 of title 5, United States Code.

Officers and employees appointed to positions established under this section shall be in addition to the number of officers and employees appointed to positions under section 2 of this Act who may be paid at rates equal to rates of basic pay contained in grades 16, 17, and 18 of the General Schedule."

Approved December 30, 1969.

Public Law 91-188

JOINT RESOLUTION

Extending the time for filing the Economic Report and the report of the Joint Economic Committee.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the provisions of section 3 of the Act of February 20, 1946, as amended (15 U.S.C. 1022), the President shall transmit to the Congress not later than February 2, 1970, the Economic Report; and (b) notwithstanding the provisions of clause (3) of section 5(b) of the Act of February 20, 1946 (15 U.S.C. 1024(b)), the Joint Economic Committee shall file its report on the President's Economic Report with the House of Representatives and the Senate not later than April 1, 1970.

Approved December 30, 1969.

Public Law 91-189

AN ACT

To amend title 5, United States Code, to promote the efficient and effective use of the revolving fund of the Civil Service Commission in connection with certain functions of the Commission, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1304(e) of title 5, United States Code, is amended to read as follows:

“(e)(1) A revolving fund of \$4,000,000 is available, to the Commission without fiscal year limitation, for financing investigations, training, and such other functions as the Commission is authorized or required to perform on a reimbursable basis. However, the functions which may be financed in any fiscal year by the fund are restricted to those functions which are covered by the budget estimates submitted to the Congress for that fiscal year. To the maximum extent feasible, each individual activity shall be conducted generally on an actual cost basis over a reasonable period of time.

“(2) The capital of the fund consists of the aggregate of—

“(A) appropriations made to provide capital for the fund; and

“(B) the sum of the fair and reasonable value of such supplies, equipment, and other assets as the Commission from time to time transfers to the fund (including the amount of the unexpended balances of appropriations or funds relating to activities the financing of which is transferred to the fund) less the amount of related liabilities, the amount of unpaid obligations, and the value of accrued annual leave of employees, which are attributable to the activities the financing of which is transferred to the fund.

“(3) The fund shall be credited with—

“(A) advances and reimbursements from available funds of the Commission or other agencies, or from other sources, for those services and supplies provided at rates estimated by the Commission as adequate to recover expenses of operation (including provision for accrued annual leave of employees and depreciation of equipment); and

“(B) receipts from sales or exchanges of property, and payments for loss of or damage to property, accounted for under the fund.

“(4) Any unobligated and unexpended balances in the fund which the Commission determines to be in excess of amounts needed for activities financed by the fund shall be deposited in the Treasury of the United States as miscellaneous receipts.

“(5) The Commission shall prepare a business-type budget providing full disclosure of the results of operations for each of the functions performed by the Commission and financed by the fund, and such budget shall be transmitted to the Congress and considered, in the manner prescribed by law for wholly owned Government corporations.

“(6) The Comptroller General of the United States shall, as a result of his periodic reviews of the activities financed by the fund, report and make such recommendations as he deems appropriate to the Committees on Post Office and Civil Service of the Senate and House of Representatives at least once every three years.”.

(b) Section 1304(f) of title 5, United States Code, is amended by striking out “investigations made” and inserting in lieu thereof “investigations, training, and functions performed”.

SEC. 2. The provisions of section 8341(e) of title 5, United States Code, as amended by section 206(b) of Public Law 91-93 (83 Stat. 140), shall be effective as of October 20, 1969.

Approved December 30, 1969.

December 30, 1969
[H. R. 9233]

Civil Service
Commission,
Revolving fund.
80 Stat. 402.

Report to con-
gressional com-
mittees.

80 Stat. 402.

Effective date.

Public Law 91-190

AN ACT

January 1, 1970
[S. 1075]

To establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality, and for other purposes.

National Environmental Policy Act of 1969.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

Policies and goals.

SEC. 101. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

(D) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(E) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(F) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

Administration.

Copies of statements, etc.; availability.

81 Stat. 54.

(G) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(H) assist the Council on Environmental Quality established by title II of this Act.

Policy review.

SEC. 103. All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act.

SEC. 104. Nothing in Section 102 or 103 shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

SEC. 105. The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.

TITLE II

COUNCIL ON ENVIRONMENTAL QUALITY

Report to Congress.

SEC. 201. The President shall transmit to the Congress annually beginning July 1, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; (2) current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

Council on Environmental Quality.

SEC. 202. There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in title I of this Act; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

SEC. 203. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 204. It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Environmental Quality Report required by section 201;

(2) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in title I of this Act, and to compile and submit to the President studies relating to such conditions and trends;

(3) to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in title I of this Act for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;

(5) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(6) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(7) to report at least once each year to the President on the state and condition of the environment; and

(8) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

SEC. 205. In exercising its powers, functions, and duties under this Act, the Council shall—

(1) consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

80 Stat. 416.
Duties and
functions.

Report to
President.

16 USC 17k
note.

Tenure and
compensation.

Post, p. 864.

Appropriations.

SEC. 206. Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV or the Executive Schedule Pay Rates (5 U.S.C. 5315).

SEC. 207. There are authorized to be appropriated to carry out the provisions of this Act not to exceed \$300,000 for fiscal year 1970, \$700,000 for fiscal year 1971, and \$1,000,000 for each fiscal year thereafter.

Approved January 1, 1970.